

Financing for Development: A Midsummer Night's Dream (FfD: MSND)

“The woman who demands her human rights “is not a supplicant or a seeker of charity, but a person with dignity demanding a just outcome according to widely accepted criteria of fairness...

A dialogue that incorporates a feminist understanding of social arrangements and legal argument as part of a critique of international law and the human rights field would help to undo its repressive component and enable law’s transformative potential to run its course...”

Celina Romany

“State Responsibility Goes Private: A Feminist Critique of the Public/Private Distinction in International Human Rights Law,” *Human Rights of Women* (R. Cook, 1994)

“None of these women’s circumstances would have been possible if not for the radical overhaul in the divorce laws over the past thirty years, which ushered in the era of divorce court abuse. These laws—the no-fault, equitable distribution, and “best interest of the child” doctrines—were supposedly formulated to promote gender equality and make the laws more equitable between the sexes. But as exhaustive research has since borne out, these supposedly gender-neutral laws are being used as tools of discrimination and abuse against women, with a ferocity that seems unparalleled in modern American history. Women are now legally being ordered to give up their children, their home, their economic security. The fact that the undermining of the laws intent has taken place under the noses of the state judicial branches nationwide—and been openly acknowledged—makes this phenomenon all the more shocking.”

Karen Winner, Divorced from Justice:

The Abuse of Women and Children by Divorce Lawyers and Judges (1996)

“Economics is not a technique in search of problems but a set of problems in need of solution. Such problems are varied and the solutions will inevitably be eclectic. Such pragmatic thinking requires not just deductive logic but an understanding of the processes of belief formation, of anthropology, psychology and organisational behaviour, and meticulous observation of what people, businesses and governments do.”

John Kay, Others People’s Money,

“Lawyers can steal more money with a briefcase than a thousand men with guns and masks.”

—Don Vito Corleone”

— Mario Puzo, *The Godfather*

by Quenby Wilcox



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Introduction

Ever since the global economic crisis began in 2008, leaders have been grappling with the challenges created by almost four decades of excessive and irresponsible public and private spending, along with rampant immorality, and lack of governance, transparency and

accountability in industry across the board.¹ As a response many policy-makers are highlighting the importance of *empowering* women as an agent of aggregate change – with women leaders the most vocal about making this change.

Hillary Clinton, US Presidential Candidate

*Give women equal rights & entire nations are more stable & secure. Deny women equal rights & the instability of nations is almost certain... Women's equality is not just a moral issue, it's not just a humanitarian issue, it is not just a fairness issue, It is a security issue, it is a prosperity issue, & it is a peace issue... [But the] **pace of change has been far too slow, including women's economic participation, leadership, & security.***

Michelet Bachelet, Executive Director of UN Women

*There is no shortage of good & innovative practices & programmes being initiated by women in cities & communities around the world to respond to this crisis. The shortcomings are not in the vision, voices & the voluminous efforts undertaken by determined women around the world. No, the shortcomings lie elsewhere—in **the lack of political prioritization, & the lack of public spending, to end violence against women & girls.***

Christine Lagarde, IMF

*Too often, [women] carry the burden of work that is unpaid, unseen, unreported—and underappreciated. Globally, [they] spend twice as much time on household chores as men, & four times as much time on childcare... They are the first to be submerged by economic crisis. We must do better than this... Remember, women control the purse strings. They account for over 70 % of global consumer spending. **So if we want more spending & more economic growth, then we need to empower more women as agents of aggregate demand.***

*Restrictions on women's rights to inheritance & property, as well as legal impediments to undertaking economic activities such [as] freely pursuing a profession, are strongly associated with larger gender gaps in labor force participation... The results from this **study suggest that it would be beneficial to level the playing field by removing obstacles that prevent women from becoming economically active if they choose to do so.***

Financing for Development (FfD) and Sustainable Development Goals (SDGs)

In response to outcries around the globe for economic stability, the United Nations, in conjunction with the World Bank and IMF, have launched the *Financing for Development* (FfD) with *Sustainable Development Goals* (SDGs), which will necessitate an injection of trillions of dollars in public and private financing by populations around the world. The following UN reports provide a synopsis of the objectives,

¹ IMF/WB Annual Meetings 2015 - <http://www.imf.org/external/AM/2015/>

The Road to Dignity by 2030:

Ending Poverty, Transforming All Lives and Protecting the Planet²

Synthesis report of the Secretary-General on the post-2015 sustainable development agenda – Summary

*The present report is submitted pursuant to General Assembly resolution 68/6, in which Member States requested the Secretary-General to synthesize the full range of inputs available on the post-2015 development agenda and to present a synthesis report before the end of 2014, as an input to the intergovernmental negotiations. Drawing from the experience of two decades of development practice and from the inputs gathered through an open and inclusive process, the report charts a road map to achieve dignity in the next 15 years. The report proposes one universal and transformative agenda for sustainable development, underpinned by rights, and with people and the planet at the centre. An integrated set of six essential elements is provided to help frame and reinforce the sustainable development agenda and ensure that the ambition and vision expressed by Member States communicates and is delivered at the country level: (a) **dignity: to end poverty and fight inequality**; (b) **people: to ensure healthy lives, knowledge and the inclusion of women and children**; (c) **prosperity: to grow a strong, inclusive and transformative economy**; (d) **planet: to protect our ecosystems for all societies and our children**; (e) **justice: to promote safe and peaceful societies and strong institutions**; and (f) **partnership: to catalyse global solidarity for sustainable development**.*

*The report also underscores that an integrated sustainable development agenda requires an equally synergistic framework of means for its implementation, including financing, technology and investments in sustainable development capacities. In addition, the report calls for embracing a culture of shared responsibility in order to ensure that promises made become actions delivered. To this effect, the report proposes a framework to be able to monitor and review implementation, based on enhanced statistical capacities and tapping into the potential of new and non-traditional data sources, and a United Nations system “fit for purpose” to address the challenges of the new agenda. **Achieving dignity in the next 15 years is possible if we collectively mobilize political will and the necessary resources to strengthen the multilateral system and our nations.***

From Billions to Trillions: Transforming Development Finance Post-2015 Financing for Development: Multilateral Development Finance³

² http://www.un.org/ga/search/view_doc.asp?symbol=A/69/700&Lang=E

³ *From Billions to Trillions: Transforming Development Finance Post-2015 Financing for Development: Multilateral Development Finance, Development Committee Discussion Note, Prepared jointly by African Development Bank, Asian*

From Billions to Trillions: Transforming Development Finance

To meet the investment needs of the Sustainable Development Goals, the global community needs to move the discussion from “Billions” in ODA to “Trillions” in investments of all kinds: public and private, national and global, in both capital and capacity. Globally, achieving the proposed SDGs will require the best possible use of each grant dollar, beginning with some US\$ 135 billion in ODA. Yet flows for development include philanthropy, remittances, South-South flows and other official assistance, and foreign direct investment—together these sources amount to nearly US\$ 1 trillion that needs to be used just as effectively. The most substantial development spending happens at the national level in the form of public resources, while the largest potential is from private sector business, finance and investment. This is the trajectory from billions to trillions, which each country and the global community must support together to finance and achieve the transformative vision of the SDGs. “Billions to trillions” is shorthand for the realization that achieving the SDGs will require more than money. It needs a global change of mindsets, approaches and accountabilities to reflect and transform the new reality of a developing world with highly varied country contexts.

1. The proposed SDGs are ambitious. They aim to meet the dual challenge of overcoming poverty and protecting the planet. They will build on the experience acquired in pursuing the Millennium Development Goals (MDGs) and pick up the unfinished agenda, but they go further, highlighting a comprehensive vision of sustainable development that embraces economic, social and environmental dimensions. The financing resources needed to achieve the SDGs will surpass current development financial flows.

2. More financial resources are available globally, but channeling them to support the SDGs will be a challenge. In principle, humanity has the resources to achieve the SDGs. Reflecting developments in the global economy over the last decade, large amounts of investable resources, mostly private, are available in advanced and emerging economies. In addition, domestic public resources, even in low-income countries, can be increased. However, not all available public and private resources will automatically be allocated and used effectively to support the SDGs. Nor are they programmable by—or responsive to—policy making bodies or conferences.

3. A paradigm shift on how development will be financed is required to unlock the resources needed to achieve the SDGs. The world needs intelligent development finance that goes well beyond filling financing gaps and that can be used strategically to unlock, leverage, and catalyze private flows and domestic resources.

Open Working Group proposal for Sustainable Development Goals

Poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production and protecting and managing the natural resource base of economic and social development are the overarching objectives of and essential requirements for sustainable development.

4. People are at the centre of sustainable development and, in this regard, in the outcome document, the promise was made to strive for a world that is just, equitable and inclusive and the commitment was made to work together to promote sustained and inclusive economic growth, social development and environmental protection and thereby to benefit all, in particular the children of the world, youth and future generations of the world, without distinction of any kind such as age, sex, disability, culture, race, ethnicity, origin, migratory status, religion, economic or other status.

The Road to Dignity by 2030:

Ending Poverty, Transforming all Lives and Protecting the Planet

report by the UN Secretary-General

Millennium Declaration and the Millennium Development Goals articulated in 2000 placed people at the centre, generating unprecedented improvement in the lives of many around the world. The global mobilization behind the Millennium Development Goals showed that multilateral action can make a tangible difference.

10. Yet conditions in today's world are a far cry from the vision of the Charter. Amid great plenty for some, we witness pervasive poverty, gross inequalities, joblessness, disease and deprivation for billions. Displacement is at its highest level since the Second World War. Armed conflict, crime, terrorism, persecution, corruption, impunity and the erosion of the rule of law are daily realities. The impacts of the global economic, food and energy crises are still being felt. The consequences of climate change have only just begun. These failings and shortcomings have done as much to define the modern era as has our progress in science, technology and the mobilization of global social movements.

11. Our globalized world is marked by extraordinary progress alongside unacceptable — and unsustainable — levels of want, fear, discrimination, exploitation, injustice and environmental folly at all levels.

12. We also know, however, that these problems are not accidents of nature or the results of phenomena beyond our control. They result from actions and omissions of people, public institutions, the private sector and others charged with protecting human rights and upholding human dignity.

13. We have the know-how and the means to address these challenges, but we need urgent leadership and joint action now.

14. These are universal challenges. They demand new levels of multilateral action, based on evidence and built on shared values, principles and priorities for a common destiny.

30. New demographic trends are changing our world. We are already a global family of 7 billion people, and we are likely to reach 9 billion by 2050. We are an ageing world, as people live longer and healthier lives. We are increasingly an urban world, with more than half the world's population living in towns and cities. And we are a mobile world, with more than 232 million international migrants, and almost 1 billion when internal migrants are counted. These trends will have direct impacts on our goals and present both challenges and opportunities.

31. We see how new technologies can open up more sustainable approaches and more efficient practices. We know that the public sector can raise significantly more revenue by reforming tax systems, fighting tax evasion, correcting inequities and combating corruption. We know that there is an enormous amount of untapped and wasted resources that can be directed to sustainable development. We know that forward-looking companies are taking the lead by transforming their business models for sustainable development, and that we have only scratched the surface of the potential for ethics-driven investment by the private sector. With the right incentives, policies, regulations and monitoring, great opportunities may present themselves. We know that a data revolution is unfolding, allowing us to see more clearly than ever where we are and where we need to go, and to ensure that everyone is counted in. We know that creative initiatives across the world are pioneering new models of sustainable production and consumption that can be replicated. We know that governance at both the national and international levels can be reformed to more efficiently serve twenty-first century realities. And we know that today our world is host to the first truly globalized, interconnected and highly mobilized civil society, ready and able to serve as a participant, joint steward and powerful engine of change and transformation.

34. Member States have emphasized that sustainable development must be inclusive and people-centred. They have underscored the importance of ecosystems to people's livelihoods — to their economic, social, physical and mental well-being and their cultural heritage — of “Mother Earth” as it is known in many traditions.

While these goals are certainly ambitious, what guarantees exist that the problems in systems and financial markets which created the global economic crisis in the first place, will not repeat themselves – sinking economies further into decay, rather than lifting them into prosperity? Why, this time around, will the rampant greed and immorality within the financial markets and its players, not use the monies in FfD in the same irresponsible manner that they have in the past? Creating *financing crazes* and *financial bubbles* wherever is easiest, and wherever people are most exploitable.

In fact, if one examines the *big picture* of events of the past four decades culminating in the present economic crisis, not only is it highly unlikely, it is almost a certainty that if the world continues on its present political, economic, and social trajectory, then the outcome of FfD and SDGs will contribute to sending us down the same dysfunctional path as before.

As Justin Yifu Lin, states in his article, *New Structural Economics: A Framework for Rethinking Development*,⁴

As strategies for achieving sustainable growth in developing countries are re-examined in light of the financial crisis, it is critical to take into account structural change and its corollary, industrial upgrading. Economic literature has devoted a great deal of attention to the analysis of technological innovation, but not enough to these equally important issues. The new structural economics outlined in this paper suggests a framework to complement previous approaches in the search for sustainable growth strategies. It takes the following into consideration.

First, an economy's structure of factor endowments evolves from one level of development to another. Therefore, the optimal industrial structure of a given economy will be different at different levels of development. Each industrial structure requires corresponding infrastructure (both "hard" and "soft") to facilitate its operations and transactions.

Second, each level of economic development is a point along the continuum from a low-income agrarian economy to a high-income industrialized economy, not a dichotomy of two economic development levels ("poor" versus "rich" or "developing" versus "industrialized"). Industrial upgrading and infrastructure improvement targets in developing countries should not necessarily draw from those that exist in high-income countries.

Third, at each given level of development, the market is the basic mechanism for effective resource allocation. However, economic development as a dynamic process requires industrial upgrading and corresponding improvements in "hard" and "soft" infrastructure at each level. Such upgrading entails large externalities to firms' transaction costs and returns to capital investment. Thus, in addition to an effective market mechanism, the government should play an active role in facilitating industrial upgrading and infrastructure improvements.

The is exactly the state of affairs that I have observed during my four decades of expatriations and travels (USA, Europe, and Latin America). However, the commonalities of economic development between countries do not stop at their resource allocations (effective or not), but are omni-present in, and co-dependent on, their social development—with the women's movement of *out of the home, into the work-force* in the past six decades of particular importance in the entire matrix.

⁴ *Research Observer*, The World Bank, vol. 26, No. 2, August 2011

Within popular academic rhetoric and literature, there is a tendency to polarize, and categorize, countries into *developed*, *developing*, and *under-developed*. However, if one views countries and their social development as a function of their economic development (and as part of a continuum as Lin suggests), *rich* and *poor* countries, as well as the *rich* and *poor* populations within these countries, are all following the same patterns, as well as the same basic trajectory of social development as a function of economic development. Within the context of this development the world has seen a rise of *social conservatism* with its roots found in Reaganomics and the Reagan Era of the early '80s. These ideologies were then "exported" to Europe and the rest of the world in the ensuing decades.

This is basically the state of affairs in societies around the world today, with *social conservatism* gaining momentum in the USA, Europe, as well as globally. However, the negative consequence of the rise in *social conservatism* in the world has negative ramifications for more than just the socio-economic issues at hand; issues which were highlighted at the 2015 Annual Meetings of the World Bank and International Monetary Fund in its discussion on mobilizing civil societies.⁵ The matrix of the situation in a global context is what helped to create and sustain dysfunctional, mass-consumption societies which in turn help create and sustain the ecological issues, as well as the rising violence of disgruntled workers and citizens. Within this context the lack of accountability, transparency, and governance of the courts takes on heightened importance for policy-makers looking for solutions.

Women Within the Family: Political, Economical, and Social Implications

Nancy Reagan's Crucial Role in the Establishing the Reagan Era

Therefore, in order to understand how to effectively combat present day *social conservatism*, it is important to examine its roots in the USA in the early '80s. While Reagan is commonly recognized as the *founder* of the social conservatism, the role his wife, Nancy Reagan, played is underestimated by everyone. Nancy Reagan and the influence she exercised over her husband was immense, as highlighted in Judy Woodruff's PBS article *Remembering Nancy Reagan's Crucial Role as Husband's Centennial Nears*⁶ below. However, Nancy Reagan's influence went far beyond staff and policy decisions, she also assured that a *culture* of conservatism in Washington was fundamentally ingrained into ideologies which guided Washington, and the entire nation during her husband's tenure as well as a very, longtime after.

She [Nancy Reagan] has always insisted her goals were only to help her husband achieve his goals, and that she had no agenda of her own. But interviews with dozens of people who worked with both Reagans, as well as historians and journalists who have studied them, confirm she was far more influential in personnel decisions and even some policy, than the public knew. And she herself now acknowledges she worked behind the scenes,

⁵ <http://www.imf.org/external/am/2015/mmedia/view.aspx?vid=4543092355001>

⁶ <http://www.pbs.org/newshour/rundown/as-ronald-reagans-100th-birthday-nears-remembering-nancys-crucial-role/>

making personnel decisions that later helped moderate U.S. policy toward the then-Soviet Union, at a time when conservative Republicans were in fierce opposition.

...That determination would become a Nancy Reagan trademark: she dated Ronald Reagan for three years before they married; and she became his protector throughout the more than three decades of his political career – starting with the 1966 campaign for governor of California. Friends and family describe her as bringing a grounded reality to his dreams, closely watching the people around him to make sure they had his best interests at heart and checking in constantly with “the outside world” to see how her husband’s moves were seen by the public. Former White House Chief of Staff, Secretary of State and Secretary of the Treasury Jim Baker told us Ronald Reagan would have never become president without her.

Indeed, the extent of her influence in the campaigns, and especially as first lady, virtually unknown until recently, places her among the top three most powerful first ladies of modern times, according to historian Allida Black, who ranks her after Eleanor Roosevelt and Hillary Clinton.

It was Nancy Reagan who persuaded her husband to make political moderate Baker the chief of staff, rather than the more conservative Ed Meese. It was Mrs. Reagan who five years later helped push out the next chief of staff, Don Regan, when she felt he was more interested in his own career than her husband’s. And it was Nancy Reagan who helped orchestrate the removal of National Security Adviser William Clark over differences in dealing with the leaders of the Soviet Union. In fact, she worked quietly to make sure then-Secretary of State George Shultz, who shared her pro-[détente] views, got more face time with the president. Through all this, she made her wishes clearly known to staffers, many of whom feared her and with good reason, said longtime Reagan campaign strategist Stuart Spencer.

Later, Nancy Reagan helped bring her husband’s presidency back from the brink of its worst crisis, the Iran-Contra “trading arms for hostages” affair, by persuading him he needed to go before the American people to accept responsibility for what his administration had done.

To this day, Mrs. Reagan is uncomfortable with the public’s knowing that she exerted serious influence behind the scenes; she says she doesn’t want to detract in any way from the credit her husband is due for his two terms in office, considered iconic by most modern Republicans. But the job of president of the United States has grown so complex and demanding of an intensive team effort that it’s entirely natural to expect all modern First Ladies to be at or near the center of that team.

What we discovered is that this woman who took pains to appear most focused on throwing elegant state dinners and later, the “Just Say No” to drugs campaign, was in fact playing a crucial daily role in ensuring the success of her husband’s career, which just happened to be the most important job in the country.

As seen in the case of Nancy Reagan, women can, not only, be instrumental in the success of their husband's career, but they can have such a profound influence that they can shape the trajectory of the entire global political arena. The old-adage is true—*behind every great man is a great woman*, but the world would be hard pressed to find even one example of *behind a great woman was a great man*. Very few men are psychologically prepared to navigate the *social world* of the *elite and powerful*, whereas women of the *elite* are prepared from birth in the *social graces* and *social manipulations* of the rich and powerful. Women much more than men understand the influence of social forces at work in a society. In a certain sense, under antiquated systems men were prepared from birth for the political and economic world, while women were prepared from birth for the social world. (And, while affording academic education and employment opportunities to women has changed the dynamics, they are still *socialized* in similar ways they were in the past—**and they are not men** (working in the work-force).)

Men may have had a monopoly in the political and economic arena, but women held the reins on the social arena (wives, the *public* world of the *elite*, and courtesans, the *private* world of the *elite*). And, many *nouveau-riche* (and abusive) men seek *impoverish* women from the elite class as *trophy-wives* specifically for their *social-networking skills*, as well as the *education* and *cultivation* that they provide to offspring. The influence that upper- and upper-middle class women exercise on the success of the *breadwinners*, particularly upper-income ones should not be under-estimated—but all too often is. While time has proven *Reaganomics* and policies of the *Reagan Era* wrong, and destructive for the American, and world, economies, one cannot deny the impact the Reagan's, particularly Nancy Reagan, had in the ability of the Reagan Administration to shape and control the political and economic world for decades. (But, it is time to take back that control—perhaps using some of the same tactics?)

The behind-the-scenes *family management* (public and private) that *trophy-wives* do for the bankers, the politicians, the policy-makers, the businessmen, the doctors, the lawyers, etc. goes far beyond the things that the *average upper-middle class homemaker* does on a daily basis. Not only do these *homemakers* do all of the bearer-of-children, shopping, cooking, cleaning, chauffeuring, and care-giving that the average *homemaker* does—worth an estimated ~\$100,000 usd per year in the remunerated labor-market. But, depending on the socio-economic level of the couple, the denigrated *trophy-wife* provides skills of social-networking, event-planning, psychologist, lawyer/strategist (in cases of legal scrapes by Machiavellian husband's in their business dealings.), etc. Study after study in the global-mobility industry demonstrates the important role women play within the home and family, as well as the valuable contributions she makes to her husband's work and career.

The Supportive Expatriate Spouse: Study of Spouse Involvement in Expatriate Careers

Professors Jakob Luring, PhD and Jan Selmer, PhD provide a model with which to examine the antiquated-family structure, and how modern actors might act in those circumstances—noting that Danish people are comparatively egalitarian in their traditions and family compositions. They also provide an excellent explanation of how *networking* and *gossiping* are utilized by spouses to promote the work and careers of their husbands, in their report *The Supportive Expatriate Spouse: An Ethnographic Study of Spouse Involvement in Expatriate Careers*,

The Danish expatriate families in Saudi Arabia lived by a set of gender roles that in many ways resembled their parents' life in the 1960s. However, although they were left with the trivialities of childcare and house keeping, most spouses were quite happy escaping the stressful life they had at home in Denmark. As one of them expressed it: 'We have been set back if you can say it like that. But I am a little sorry to say that I am actually enjoying it'. The main reason for accepting the situation, however, was the fact that this expatriate life was only temporary.

...The case study above demonstrates that the spouses were active in trying to support and further their husbands' careers. They constructively tried to improve the current situation and future prospects of both their expatriate husbands and their families.

An important condition that may have contributed to this general outcome is the change of gender roles for the Danish spouses. Since many of the spouses had left their own careers in Denmark to accompany their husbands to Saudi Arabia, where wives could not work, they had to assume new gender roles in the compound. Although the women in some ways enjoyed the relaxed life close to their children, they felt somewhat uncomfortable about being unproductive, lacking freedom, challenges and voice. This can be related to previous social disposition as active and equal participants in the labour market. Consequently, the spouses involved themselves in activities that they felt would give meaning to their everyday life and hence became active in defining their own roles by engaging themselves in the work and careers of their expatriate husbands.

Furthermore, some spouses even developed a specific rationale for their supportive behaviour. The expatriate managers had to work six days a week and the spouses supported their expatriate husbands by taking care of matters at home and argued that this support was beneficial for the company, for which it should be thankful, as it enabled their husbands to perform well at work. However, this active involvement was not only offered because they felt a deep loyalty to the company, which feelings some of them claimed to harbour, but in doing so they knew that they contributed towards the improvement of the social and economic situation of their families.

Consistent with the theory of work-family facilitation (cf. Grzywacz et al., 2007; Tompson & Werner, 1997; Wayne et al., 2007), the spouses' active involvement in their husbands' careers could be seen as evolving around social contacts and dinner parties held in the compound. These activities can be interpreted as family-to-work facilitation as the engagement in dinner parties among the families could create alliances to other families usable in work-related matters. And in that respect, some visitors were seen as more interesting than others, such as visiting representatives from the parent company in Denmark.

Gains achieved in the FWF by the spouses and their expatriate husbands during dinner party interactions can be classified as developmental and efficiency gains. The acquisition of new knowledge and perspectives regarding post-assignment career opportunities can be seen as being of a developmental nature while the enhanced focus or attention on career issues, brought about by the additional role of the spouses as

supporters of their husbands' careers, appears to be a gain in efficiency (Grzywacz et al., 2007).

In line with SCT we found both bonding and bridging behaviour among the interaction patterns of the expatriates and their spouses (Ma'kela, 2007). Internally expatriates families were supportive to each other whereas the bridging contact to visitors from the parent company led to internal competition for resources and recognition. The spouses were clearly active in trying to convert a surplus in time and social capital, in the form of valuable social network ties, into economic capital in the form of promotions and career advancement.

This is consistent with Bourdieu's (1977) theories on the transformations between different forms of capital. These strategies can be related to the vulnerable situation of the expatriate families that are cut off from their previous interpersonal relationships and established social networks. When expatriates go overseas their contact information becomes difficult to access and out of date (Wang & Kanungo, 2004). We found that the expatriate community internally maintained strong social network ties of which the spouses were an important part providing both emotional and instrumental support for their husbands (Liu & Shaffer, 2005). In other words, the family can be perceived as a resourceful unit and the surplus of time experienced by 'underloaded', competent spouses can be used to compensate for missing social and instrumental support. Furthermore, resourceful spouses can take a functional role in some career related networking activities; career aspects that they would normally not be engaged in.

This kind of supporting behaviour by the spouses allowing social alliances and networking with influential others trying to improve their husband's immediate career and repatriation opportunities is also congruent with empirical research on repatriation and post-assignment careers. Although expatriates usually find it difficult to stay connected with people and cannot easily follow events at headquarters, previous research indicates that cultivating and maintaining important connections and networks while abroad is strongly associated with expatriates' subsequent career success (cf. Feldman & Thomas, 1992; Guzzo et al., 1994; Mendenhall et al., 2002; Seibert et al., 2001). The 'out of sight, out of mind' problem is related to home organizations putting only limited thought and effort into ensuring the long-term career planning of the expatriates. While spouse may not be able to engage too much in securing the commitment of the home organization they could use their surplus time to maintain and expand the virtual connections with career-wise important contacts in their social network at home.

The spouses were also as a group active in trying to reduce the current working week schedule of the Danish subsidiary to five days. Although not directly impacting the careers of the expatriates, such a reduction may be perceived as having benefits for intra-family relationships and family well-being. In such a way, it could indirectly support the expatriates' careers by creating a more harmonious and happy family environment. This is also consistent with work-family facilitation theory (cf.

Grzywacz et al., 2007; Tompson & Werner, 1997; Wayne et al., 2007) and could be classified as an attempt to achieve work-to family facilitation. In this instance, if it had succeeded, WFF could have created affective gains as well as capital gains. Affective gains could have been attained since attitudes and confidence of both the spouse and the expatriate may have been altered and capital gains could have been created since, if the surplus leisure time had been used wisely, both additional social and health assets could have been acquired. While a small minority of the expatriates felt that some of the wives at some stages were too eager in involving themselves in the situation at the workplace, the lion's share of husbands acknowledged the effort their accompanying spouses put into maintaining and improving the social and economic situation of their family

4.3. Spouse support and involvement

The spouses argued that without their support the men would have a hard time functioning well at the workplace. As one put it: "When we are here and the family and the children are here, then it is easy for the men because they feel almost like at home. And then it becomes easier for them to make results at work". The expatriate managers had to work six day a week and that would be very difficult without their wives taking care of matters at home.

Consequently, the spouses agreed that the company should be thankful for their effort. As one of them said: "We are actually a very important part of the company". As it was argued: "If the family functions well, then it is worth a lot for the company because then our husbands can spend an awful lot of hours out there".

A number of spouses explained that they felt a deep commitment to the company. This was expressed not only in the way the women supported their husbands but also the way they took care of newcomers. As one of the wives put it: "When a new girl arrives I feel that I must help her to settle in. At the end of the day it is probably due to some kind of loyalty towards the organization".

However, the aspiration to help as much as they could in improving conditions at work did not only come from allegiance to the company. The women were explicitly aware that they by supporting their husbands also were participating in improving their own social and economic situation. As one of the wives said: "For me it is important that my husband is satisfied. I think about all the advantages we will have from him being down here".

The active involvement of the women in their husbands' careers could be seen evolving around social contacts and dinner parties held in the compound. It was common to take part in one dinner party every week. One family would either be invited or invite another family to join them for dinner in the evening during one of the work days.

It was the women that were responsible for organizing and taking care of the dinner parties. According to themselves, they needed the impulses from outside the compound that could be provided by the male guests. However, the dinner parties also had a different purpose. It created alliances with other families that could be used in work-

related matters. Consequently, some visitors were seen as more interesting than others. As one of the wives put it: “There is a lot of prestige in inviting important people to your house. Everybody knows who has been dining with whom”.

While inviting high ranking managers to one’s house was highly desired, expatriates and their wives mainly had an interest in establishing relations with representatives from the parent company. As one of the wives put it: “I want all the visitors I can get when someone is here from Denmark”. For example, when representatives from the Overseas Division of the headquarters in Denmark paid a visit, there was “almost a competition to get to invite them for dinner”, as one of the wives said. On these occasions it was apparent that the wives did their best to further their husbands’ careers. Eventually, the family’s social status also relied on the repatriation of the husband. So, the husband and wife worked in competition with the other families to ensure that the dreams about their future careers would come true. Besides, while the women claimed that they held dinner parties because they were interested in impulses from outside the compound, no one invited the careerwise less interesting visiting technicians to their home. One of the wives was quite explicit about seeing the expatriate period as an investment:

We both wanted to travel but I always said I would definitely not go to Saudi Arabia. But then I got a new job and I didn’t particularly like it. So to quit I used the excuse that I had to go with my husband to Saudi Arabia. We were not interested in the country but we also had a lot of student debt and we wanted to get rid of it. So for me and my husband this has been just an economic investment. And if I can I am trying to look after our investment even if it means sucking up to some of my husband’s superiors or their families.

Another occasion where the wives were active in their husbands’ careers was after a board meeting with participants from headquarters. One of the Danish board members had to spend his day off in the compound and on request went to the pool in the afternoon. His presence created much activity among the Danish families around the pool area. Shortly after his arrival he was surrounded by a number of expatriate families that offered him drinks and made conversation. One of the husbands later commented the situation this way: “Did you see how all women reacted when this guy came to the pool. I must say that I got quite embarrassed just watching the way they were all trying so hard to get his attention”. Another expatriate manager had a different opinion on the event.

I don’t think there is anything wrong in networking. I must admit that I lobby a lot down here—also in my spare time. I play squash with my superiors if I have some ideas I want to test informally. If my wife is part of this networking too I don’t see anything wrong about that either.

This was a way of establishing important relations, which in the long run could potentially improve, not just the husband’s, but the whole families position within the group of Danes—and also, in a future job in Denmark. The wives had the time and energy to put in an effort to help securing the economic and social position of the family.

And although a minority of the husbands found the activities of their spouses to be 'too much' and mildly irritating the women's effort was generally appreciated.

Another example where the spouses took the lead was in relation to the husbands' six days working week. The reason for having that was the fact that communication between headquarters and the subsidiary would be hindered if the subsidiary was closed Thursdays and Fridays which are regular working days in Denmark.

All expatriates and their spouses were made aware of the long working week before they arrived in Saudi Arabia. However, the women felt they had been deceived because they were told that this was common practice in Saudi Arabia. But through acquaintances in the compound they learned that many other companies only had a five day working week. As a woman described it:

I didn't know that the schools and most other companies only had a five day working week. That was enormously disappointing. They should have told us that our company had chosen to have a six day working week. It was really hard to come down here and see all the other fathers being at home on Thursdays.

The men also felt unhappy about the situation. They felt so tired at the end of the week that they did not get much work done anyway. Their wives, however, seemed to have much energy and tried to change things. They called in a meeting with the firm's board of directors making their case. They wanted to have just a five and a half days working week for their men. The women had made a calculation showing that if there was a bit less vacation and a bit longer workdays, then the company would not lose any man-hours. The men on the board of the company, however, argued that when they themselves were stationed in Saudi Arabia they had managed a six day working week and consequently others should cope with that as well. They rejected the proposal and refused to listen to any further arguments.

The women all agreed that this reaction was very disappointing and unacceptable. "That was no answer to give us. It was ridiculous. We may try to do something again", as it was said.

2.3 Social capital and social networks

Social capital theory (SCT) is inspired from the sociological work of Bourdieu (1977). One of the central ideas of Bourdieu's theories is that resources and recognition can be transformed between different socio-economical areas, e.g., social, symbolic and economic capital. In international business studies this has been related to resources and support embedded in and available through a network of relationships (Kostova & Roth, 2003; Lin, 2001; Li, 2005; Presutti, Boari, & Fratocchio, 2007). Nahapiet and Ghoshal (1998) define social capital as "the sum of actual and potential resources embedded within, available through, and derived from the network of relationships possessed by an individual or social unit. Social capital thus comprises both the network and the assets that may be mobilized through that network" (p. 243). From a social capital perspective expatriates become vulnerable to losing their social networks as well as their contacts

with the parent company. Consequently, social micro-strategies of building relations to significant others can be applied to compensate for lost emotional or instrumental support (Wang & Kanungo, 2004). In this regard the family as a unit can be perceived as a resource with certain capabilities to cope with adjustment problems (Haslberger & Brewster, 2008). Moreover, adaptabilities and communications skills within the family unit can also be applied to develop and utilize relevant social contacts in the local environment and in the home country. Individual family members (husband, wife and children) all bring different approaches and contacts to the table and thus contribute in different ways to the combined social capital of the family unit (cf. Glanz, Williams, & Hoeksema, 2001). In other words, the distinctly different situation faced by the different family members in general and the wife in particular (Tharenou, 2008) provide a greater variety of option with regard to developing social capital than would be the case with only the husband.

The two main approaches to social capital are: (1) the 'bonding school' where social capital is characterized by belonging to a social group, which stresses the effect of social ties that connect people together (Coleman, 1988) and (2) the 'bridging school' which refers to benefits stemming from providing linkages across different social groups—such as expatriates interacting with host country nationals (HCNs) (Adler & Kwon, 2002; Ma'kela, 2007).

While SCT has become popular in expatriate studies relatively little is known about how the social network provides resources and support to its members (Manev & Stevenson, 2001; Wang, 2002). A social network can be characterized by its size, diversity, closeness and contact frequency (cf. Indro & Richards, 2007; Khilji & Wang, 2007). Expatriate social networks may consist of peer expatriates, local working partners and local friends (Wang & Kanungo, 2004). In this regard Cohen (1977) describes expatriate communities as male-centred exclusive groups extensively focused on internal socio-economic status.

Especially the more homogeneous groups characterised by a large socio-cultural distance to the HCNs are perceived by Cohen to be isolated and transient in a way that makes internal social network and home country relations a vital part of career strategies.

Central to Social Network Theory (SNT) is the argument that ties among members of a social clique are likely to be strong (emotionally intense, frequent and involving multiple types of relationships) (Granovetter, 1973). And stronger ties are more likely to be supportive (Wellman, 1981). Hence, peer expatriates and their families can be perceived as important sources of emotional and instrumental support (Caligiuri & Lazarova, 2002; Liu & Shaffer, 2005).

While most expatriate studies using SCT have focused on interaction with HCNs, this study will mainly investigate social capital in connection to activities within the national group (e.g., bonding). Novel to the literature on expatriate social networks we include the role of the wives/female partners.

To achieve the purpose of this study, to empirically examine the positive influence of expatriate spouses by investigating supportive spouses' involvement in the career of business expatriates, we will present and analyze a case study of Danish business expatriates assigned to Saudi Arabia. Since all the studied expatriates and their families lived in the same compound and the expatriates worked at the same subsidiary, the latitude and opportunity for spouses to try to further the expatriates' careers were considerable...

Our empirical investigation exploring supportive spouses' involvement in the career of their expatriate husbands found two processes. Firstly, the results reveal how spouses used a number of social strategies in trying to improve their husbands' immediate career and repatriation opportunities, for example, by creating alliances and establishing social networks with influential others (spouses of subsidiary superiors, their husbands' superiors, headquarter guests, etc.) through social contacts and dinner parties. Secondly, spouses knew that the corporation indirectly depended on their support in running the subsidiary and as a group used this role in trying to influence company decisions, such as the working schedule, pay, holidays, etc. These results are consistent with recent theoretical developments focusing on positive outcomes of the work–family interface, such as the concept of work–family facilitation (cf. Grzywacz et al., 2007; Wayne et al., 2007) and SCT (Liu & Shaffer, 2005; Ma'kela', 2007). Finally, they are in line with empirical research on repatriation and post-assignment careers (Feldman & Thomas, 1992; Guzzo et al., 1994; Seibert et al., 2001).

4.2 Information and communication on work issues

In their search for identity, challenges and input the spouses turned to what they perceived as the only meaningful area they had in common—their men's workplace. And since they all realized that their everyday life after all was quite trivial, inevitably conversations seemed to drift to issues related to their husbands' jobs. As one put it:

We have to talk about our men's work because not much else happens. Because we don't have jobs of our own like we would in Denmark. And when our husband comes home in the evening we like to know what happened. They don't ask much about what we experienced because they don't want to hear about how many times we changed diapers that day.

All expatriates had a telephone conversation from work with their wife every day and some would have more than one. That meant that the spouses were relatively well informed about what happened in the workplace and who worked harder or stayed longer at the job. Because the wives had plenty of time to communicate with each other while nursing their children or having a cup of tea, news from the workplace often spread faster in the compound than they did in the company. As one of the spouses put it: "We have time to go and gather information and time to walk around talking to people and what you should not have said often comes up somehow anyway". Due to the fast communication flow between the workplace and the compound it was sometimes necessary for the General Manager of the subsidiary to call all expatriates into an

information meeting because rumours about non-official matters had already been spread in the compound—such as when there were a hypothetical discussion about moving to another compound and some of the wives had already started to pack the next day.

However, among the wives discussing work related matters were done not only to keep conversations going. They also had personal social and economic interests in the situation of their husbands. Knowing when the expatriates would get new company cars, higher salaries or go on company excursions all affected their own life as well as that of their husbands.

Nonetheless, the men often felt irritated about having to calm down their wives after some rumours or gossip had spread. Sometimes the men also felt annoyed that they heard about business-relevant information from their wives before they were notified about it at work. For example, if someone had got a new position and told his wife about it, then the spouses often would know this before most of the expatriates. As one of the men described the situation:

There was especially one wife. She would inform all women in the compound about anything. So when I came home I was told all sorts of things about my colleagues. At one time I simply had to tell my wife that I did not want to hear about it. One has to work with these people. It is very much like that...

Now while the last example above—of the wife who “would inform all women in the compound about anything”—is a good example, of how *networking* and *gossip* can be used to excess and become an annoyance (and on occasion wreak havoc) in the community. And, invariably each community (whatever the geographical location on the planet) will have one, or more, of its members who become over-zealous in their *networking* and *gossiping* activities—so this is truly a global problem from a sociological perspective. However, these *gossipy* women are much like, and function in the same way social media does on the Internet—the greatest information source in the community, but best to verify the factuality of statements and declarations made before actually believing, or redistributing, the information provided.

The example of the *gossipy wife* above also highlights the necessity for local leadership within the expatriated *trailing spouse* communities. *Gossiping* and *networking*, or *lobbying* as it is called within the business and political world, is an essential part of the human social process, and it is important to have members of the community, regardless of the size, who can help guide the *invisible hand* (which is not so invisible to effective leaders) so that “the process” does not go towards extremism, and escalate to crisis proportions. (This is the crux of the problem in Washington, DC at present—too much *gossip* with no substance or veracity to the *hot-air*). One of the main missions of the company I am trying to create it to provide a global structure, which can form the leadership to help guide and mobilize these communities—as there is a dire void, and need at present. Daniel Goleman in *Emotional Intelligence* identifies these “sand-box” skills that every leader (and worker) needs to be effective,

Roger's talent represents one of four separate abilities that Hatch and Gardner identify as components of interpersonal intelligence:

- *Organizing groups—the essential skill of the leader, this involves initiating and coordinating the efforts of a network of people...*
- *Negotiating solutions—the talent of the mediator, preventing conflicts or resolving those that flare up...*
- *Personal connections—Roger's talent, that of empathy and connecting. This makes it easy to enter into an encounter or to recognize and respond fitting to people's feelings and concerns—the art of relationship. Such people make good “team players,” dependable spouses, good friends or business partners; in the business world they do well as salespeople or managers, or can be excellent teachers...*
- *Social analysis—being able to detect and have insights about people's feelings, motives, and concerns. This knowledge of how other feel can lead to an easy intimacy or rapport...*

Taken together, these skills are the stuff of interpersonal polish, the necessary ingredients for charm, social success, even charisma. Those who are adept in social intelligence can connect with people quite smoothly, be astute in reading their reactions and feelings, lead and organize, and handle the dispute that are bound to flare up in any human activity. They are the natural leaders, the people who can express the unspoken collective sentiment and articulate it so as to guide a group towards its goals. They are the kind of people others like to be with because they are emotionally nourishing—they leave other people in a good mood, and evoke the comment “What a pleasure to be around with someone like that.”
(p.118)

The higher up one moves on the socio-economic ladder, the more ruthless people are in their business dealings and personal relationships—a situation which is increasingly prevalent in the workplace, homes, communities, schools, on the Internet... and all promoted and encourage by *social conservatism*. And, in today's modern world, the myth of the *cloistered, helpless, empty-headed socialite* is exactly that, **a myth**. I attended *elite boarding-schools* in the USA and Europe in the '70s, and the girls, now women, I knew, are not *stupid trophy wives*—just as the hundreds of *Eastern trophy-wives* I have known, are not *cowering, submissive, women hiding behind a veil*. Of course these women exist, as do the male versions. But, the world is **not polarized by strong men vs. weak women**. It is polarized by **strong men and women vs. weak men and women**. The women of today are no longer the illiterate and un-educated women of the past, who are incapable of reading laws and constitutions, much less understanding them.

And, in fact, even when these women were, or are, not the most highly-educated, it does not mean that they are stupid, or that they are not a strong influence and support for her husband (and community), particularly those with high-stress and high-responsibility positions. I have known many uneducated women who are highly intelligent, and I have also known highly-educated women (and men) who have obtained the diplomas, but do not have the social skills and emotional intelligence to know what to do with their education and experiences. These people, may at times even understand the academic concepts and theories, but they have no idea

how it translates into real life situations, and even less how to apply the theory in developing solutions. There is a dearth of social skills, starting from early child-hood, all the way to the more analytical skills developed during adolescents within the work-place today. But, where the dearth is most profound is in the lack of curiosity, intellectual as well as in even the simplest of things. This, is one of the principle reasons we are seeing non-implementation/failure rates of 70+% in industries and professions across the board. People are more highly-educated than any time in the history of man, but they lack the direction and leadership to channel all of the knowledge and information that has been accumulated in the past century. The *cohesion* that produced this leadership is what is missing, and what was previously filled by the non-remunerated “parasitic” upper- and upper-middle class homemaker (in conjunction with the clergy—with the modern secular version being psychologists, psychiatrists, social workers, coaches, etc.).

The failure, and refusal of courts, to recognize contributions of homemakers in their deliberations and division of assets and alimony awards, particularly after these women have been providing services worth \$100,000-\$250,00 per year to their husbands (and his career asset) **for free**,—is clearly discriminatory.

The role *upper-* and *upper-middle* class wives have always played in influencing the *culture*, within which business and political decisions have, and are, made is not given the consideration or appreciation that it merits—by societies. As sociologists and journalist such as Chesler, Winner, Weitzman, etc. point out in texts within, the *power* that women once held within the family—a *power* that in essence *protected* their *income* if not *employment* status within the marriage under antiquated-rules of divorce, disappeared under the new progressive no-fault standards. Men no longer have to “pay” to get out of a marriage, and set up house with a new, younger (child-bearing) wife. Under the new rules, these men can simply walk away with all the assets and property accumulated during the marriage, leaving ex-wives penniless and with all the financial burden of raising young children, as well as educating future work-forces. This punishes *divorced women*, and their children, as these women are less able to pay the mounting cost of higher education for their offspring—with offspring from *submissive, non-divorced women* obviously advantaged in the process. Any contention by policy-makers, or governments, that the consequences of systematic violations of women’s economic rights in the courts is *inconsequential*, is, in and of, itself discrimination against, and oppression of, women.

Paradoxically, it was the *progressive* laws which were supposed to *liberate* women that in fact became part of a new form of oppression. Under the old system—where marriages, particularly amongst the *elite*, were arranged—*discreet philandering* was tolerated, if not accepted. Men who wished to “take new wives” were only allowed to do so if they could financially maintain the former(s) wives and children. Under western traditions *divorce* is a pre-requisite for “taking a new wife” while in the East divorce is not necessity. But, essentially from a socio-anthropological and economic perspective, the systems work essentially the same. It should be

noted that one international divorce lawyer on the Internet has suggested in his blog⁷ that women should lose the right to alimony/maintenance if she is cohabitating with another man—a sentiment often expressed by judges and lawyers. So admittedly, in the West the *old wife* does not have to continue to service her ex-husband with sexual duties after he has “taken a new wife,” but under this criteria of the courts, he still has control over his ex-wives body and sexual activity after a divorce—in essence he still *owns* her. The difference between the situation in the East and West is really just a matter of semantics in this case.

Under the new system, and the failure of governments and societies to combat discrimination against women within their courts, legal profession, media, journalists, and general public is creating a situation, where social conservative forces in the West are at liberty to develop rhetoric, techniques and tactics with which to promote discrimination against women within a larger agenda of right-wing extremism—which includes promoting violence, the *rich world* wants to produce the weapons, and the *poor world* wants to consume the weapons needed for the violence. And, the circle is completed by the *poor world* producing illegal drugs and the *rich world* consuming *illegal and legal drugs* while launching a *War on Drugs* and *War on Terror*, which provides the cohesion for the entire circle to continue to tighten towards *totalitarian regimes* across the globe.

As Glenn Greenwald, Susan Faludi, and many others are increasingly recognizing, the *conspiracy* of the *extreme-right* and *social conservatives* is not a “small group of men who gather to discuss sinister plots,” but rather a social force, or *invisible hand* as referred to in *Keynesian economics*. And, this social force is guided, and controlled, in large part by the upper- and upper-middle class women who control the social networking amongst a country’s *elite* and *intellectuals*. Corporations, and HR departments, have taken over much of the social-networking functions previously executed by non-remunerated upper- and upper-middle class homemakers, but they are also being shaped and pushed by the social conservative forces, and people, within their midst.

Legally women have rights to property, to work outside the home, to equality in parenting, equal rights before the law, etc. However, all of their rights are so systematically violated, and laws broken—with perjury and falsification of court documents considered “normal”—that progressive laws and rights mean absolutely nothing to judges and lawyers. Court-bureaucracy and case-overload has so complicated the situation, that it has become a *game* for husbands and *patriarchal rights* groups. And abusive, greedy lawyers are more than happy to comply with the harassment and mental torture of women (along with defrauding them)—women who they see as “shameful *trophy-wives* and parasites, who deserve nothing anyway.” (Admittedly corruption and fraud is so systematic in *family courts* that at times men become victims of women’s abusive tactics. Rampant greed within the courts is at such epidemic proportions that at times lawyers are

⁷ <https://www.linkedin.com/pulse/indian-conundrum-spousal-support-cohabitation-affairs-marco?trk=mp-reader-card>

initiating and escalating litigation between spouses who are not “contentious” in order to defraud, and in debt, both sides—husbands and wives. However, women are disproportionately targeted, and disproportionately affected, by the problems in the courts due to gender-biases and stereotyping by lawyers, judges, mediators, etc., as well as consular agents in international cases. Also, as an aggregate population it is women who are being thrown into poverty by the courts, and why from a public-policy, and human rights stand-point issues concerning men are relatively unimportant.)

Rising Plight of Displaced Homemakers

As seen below, long-term homemakers (and women with young children) are disproportionately affected by the violation of their economic rights by the courts. It should be noted that alimony/maintenance awards are around 10% in the USA and Spain⁸ (with full-time homemaker rates moving from approximately 40 to 20% as countries *develop*⁹). It should also be noted that rates for alimony awards are declining for women, but increasing for men, with average monthly sums awarded to women at, or below, the poverty level—with little effective means of reclaiming unpaid alimony through the courts. The plight of the displaced homemaker, and result of the systematic greed and corruption in family courts, is describe by Tamar Lewin in the *New York Times* article below,

Data Show Rising Plight of Displaced Homemakers

While the number of women entering the work force grew steadily over the last decade, so did the number of women, often those divorced or widowed, who had trouble making the transition from full-time homemakers to jobs outside the home, according to a new report.

Many of these displaced homemakers are living in poverty and one in five are living with unrelated people in "doubled-up" households, said the report, which was made public Wednesday by the National Displaced Homemakers Network, a Washington-based group.

"Until we did this report, we thought, like everyone else, that with so many women entering the work force in the 1980's, the number of displaced homemakers would be declining," said Cheryl Brown Henderson, the president of the group. "We were really shocked to find that so many homemakers who are divorced or widowed, and lose the source of support they counted on, still have such problems achieving economic self-sufficiency."

Displaced homemakers are women whose principal job was homemaking, but who have lost their main source of income, usually because of widowhood, divorce, separation or

⁸ <http://www.ine.es/prensa/np927.pdf>

⁹ <http://www.usatoday.com/story/news/nation/2014/04/08/women-stay-at-home-mothers-work/7468163/>

the disability or long-term unemployment of a spouse. Women who work full time are not considered displaced homemakers, but those who work part time or seasonally are. #12% Rise Over 1980 The report, based on the Census Bureau's 1989 Current Population Survey, said the number of displaced homemakers increased by nearly 12 percent in the 1980's, from 13.9 million in 1980 to 15.6 million in 1989.. The percentage of adult women who are displaced homemakers has increased as well, from 14.6 percent in 1980 to 15.8 percent in 1989.

"America is becoming a place that does not value homemaking, and that makes homemaking a high-risk occupation," Ms. Henderson said. "Many married women who are homemakers are likely to find that when they are divorced or widowed, and need to market themselves to the work force, their skills will not be valued, and all they will be able to find is marginal part-time work."

According to the Bureau of Labor Statistics, 43 percent of adult women, or 41.6 million, were not in the labor force in 1989, including about 22 million married women, most of them dependent on the husband's income. The report said these women were especially vulnerable to becoming displaced homemakers, being "just a man away from poverty."

The report found that 41 percent of the displaced homemakers work part time or seasonally and 59 percent are unemployed. About three-quarters of the displaced homemakers are white, 16 percent are black and 6 percent are Hispanic.

One-third of the nation's displaced homemakers are in their prime working years, ages 35 to 64, and most in that age range have been displaced by divorce or separation. About a third of these women have children younger than 18 living at home.

Among those younger than 35, who represent about one in 10 of the displaced homemakers, 87.7 percent are divorced or separated, and more than three-fourths have young children.

More than half the displaced homemakers are over 65, and in that age group, 89.4 percent are widows.

Many of these women have serious trouble finding jobs that are adequate to support themselves and their families, and according to the 1989 data, 57 percent of all displaced homemakers were in or near poverty.¹⁰

In deliberations, lawyers nor judges are considering the services, advice, networking, and trouble-shooting that the wives of the world's elite are doing in helping to run all of the companies that are producing all of the jobs that are the motor of the economy—and these are the ONLY people in the matrix who are not being remunerated for their service, during their

¹⁰ <http://www.nytimes.com/1990/06/02/us/data-show-rising-plaint-of-displaced-homemakers.html>

marriage, nor upon divorce. Not only are husband's, and companies they work for, exploiting the free-labor of these women for decades, but to add insult to injury, when they no longer desire or need her services, she is thrown on the street with nothing. In this way her husband is free to spend his income on luxury items rather than the necessities of his children and former wives. It should be noted that 70% of that *elite* are *alpha Machiavellians*, with tendencies towards bullying, abuse, sexual deviations, criminality and/or violence—therefore, with a high propensity for domestic abuse, as well as legal abuse in case of divorce. These men are willing to pay more money to harass their ex-wives through the courts, than they would have to pay wives what is their legal due. However, while the courts are willing to incarcerate women for any minor infraction, they rarely if ever sanction husbands who have not paid child-support, and even less alimony.¹¹

The fact that the services rendered by *homemakers*, for no pay and during decades, is given no consideration for *recuperation of services rendered (or income lost) in the past* **nor** enjoyment of a portion of *future earnings of breadwinners* (the largest *common-property asset* of a marriage) is clearly discriminatory. For example, in Spain the average age of a woman divorcing is 42.8 years old, after an average of 15.8 years of marriage, with about 9% of women (and 1% of men) being awarded alimony by the courts¹²—leaving about 7% of *career homemakers* with no assistance what-so-ever from ex-husbands in case of divorce. It should be noted that reports from women in Spain indicate that the average alimony awards are at ~€500 per month (whereas the income for poverty-level in Spain is €575 and severe (exclusion) poverty-level in Europe is at €307 per month¹³). Additionally, in Spain only 4% of women possess higher education, therefore, highly-educated *trophy-wives* willing to be full-time homemakers are at a premium. Instead of being denigrated, and insulted by the courts and husbands, these highly-educated women who work in their homes and communities for decades for free, should be handsomely reimbursed, or rewarded upon divorce. The fact that men are “walking away” with common property assets that wives have worked very hard to build is clearly discriminatory.

Under this system, men have an incentive to exchange *old wives* for *new wives* every decade or so, assuring *old men* can have a ready supply of *young women with young bodies and young wombs*—as has been the *tradition* for centuries in societies across the globe. Also, under this system homemakers are being expected to “pay the price” **all alone** of raising future generations and work-forces **for the entire society**—and then being told upon a divorce that it is *she* that is the *parasite on society*. **She** is the only person in the economy who is working for free—jeopardizing her financial security, old-age pension, and access to healthcare (as opposed to work-forces producing 30% inefficiency rates)—yet it is **she** who is the parasite on society?

¹¹ *Divorced from Justice*, K. Winner

¹² <http://www.ine.es/prensa/np927.pdf>

¹³ http://www.eapn.es/ARCHIVO/documentos/dossier_pobreza.pdf

As one friend of mine, who has gone through a similar situation as mine, said to me “I wanted children, I guess now I am paying the price.” Her words have reverberated in my head for the past decade.

I do not believe that, *We (the mothers and homemakers of this world), should have to pay the price of reproduction of future generations and work-force for the entire society—and in the process be used as the proverbial sacrificial lamb in promotion of an individualistic, hedonistic society.*

Additionally, under the present system, women are pushed towards the remunerated work-force, with full-participation the goal of public-policy makers. However, these same public-policy makers are not in turn providing these women with the childcare assistance necessary for them to effectively fulfill their roles as worker, mother and wife—jobs which full-participation entails. Policy-makers are oppressing women here, in that they are pushing her to take on more of the work-load of the society (while exalting men of more work-load and responsibility) And, men, contrary to what patriarchal rights groups contend, are not participating equally with childcare, and even less with housework. Therefore, women who work outside the home are not afforded the tools they need to effectively fulfill their role in society. Also, homemakers are no longer integrated into the institutionalized social-assistance functions of the past (now non-profits instead of religious institutions, but plagued with the same hierarchal abuses of power as the Catholic Church in the Dark Ages). And, as time progresses the entire matrix becoming more and more complicated and complex as the world industrializes and globalizes, with leaders and policy-makers increasingly perplexed as to how to deal with the problems they are creating.

[The Machiavellian Executive and His Trophy-Trailing Spouse](#)

Societies place inordinate amount of importance (through exorbitant *wages*) on the *elite* (bankers, businessmen, politicians, etc.), but none-what-so-ever on the *trophy-wives* who, not only provide enormous support to these men psychologically, but are left dealing with the *fall-out* they produce to their families by their continual *wheelings-and-dealings*—*wheelings-and-dealings* which produce economically unstable economies (Arkelof and Shiller). Daniel Goleman explores the psyche of the Machiavellian man in the business world today in *Social Intelligence*,

In human prehistory, some evolutionary theorists argue, human intelligence first emerged as such drafty operation in the service of one's own interests. In mankind's earliest eras, runs this argument, victory lay in displaying just enough deviousness to get a lion's share without getting booted out of the group.

Today Machiavellian types like the kiss-up-kick-down manager may well gain some personal success. But in the long run Machs run the risk that their poisoned relationships and resulting bad reputation may one day derail them. A Mach's personal history inevitably will be littered with resentful ex-friends, ex-lovers, and ex-business associates—all brimming with hurt or simmering resentment. Still, a highly mobile society may offer a receptive ecological niche for Machs, where they can readily move on to new conquests far enough afield from the last misdeed never catch up with them.

Mommy Wars, edited by Leslie Morgan Steiner

But, it is important to examine why highly educated women—education that they have paid much money to obtain—are giving up careers and financial security in deference to their husband's career and best interest of their families, when they agree to relocate to a new country. Washington Post journalist, and editor of *Mommy Wars: Stay-at-Home and Career Moms Face Off on Their Choices, Their Lives, Their Families*, Leslie Morgan Steiner offers some insight into the dilemma women in the *modern world* face in their role as mothers and wives, and their own professional ambitions.

In the dark of the night (and many times during the day) it makes no difference whether I'm working or stay-at-home mom. Like all mothers, I have undergone a spiritual metamorphosis as powerful as adolescence and menopause. The Velveteen Rabbit gets me every time with that paragraph about becoming Real. "Here she goes!" my son laughs as I start to tear up.

"Real isn't how you are made," said the Skin Horse. "It's a thing that happens to you. It takes a long, long time. That's why it doesn't often happen to toys that break easily, or who have sharp edges, or have to be carefully kept. When a child REALLY loves you, then you become Real."

This is the beautiful side of motherhood, whether one works or not.

Unfortunately, motherhood is not always so pretty.

Talking with hundreds of women during the three years I worked on this book taught me quite a lot about myself and the struggles between working and stay-at-home mothers today.

First and most undeniable: The mommy wars are not really between different cliques of women over what kind of motherhood is superior. The real battles rage inside each mother's head as she struggles to make peace with her choices.

Second: Whether you work or not has no bearing on whether you are a good mom.

Period.

...Each women has high standards, impossible standards, for what kind of mother she strives to be. Our fanatical, soul-changing love for our children makes us all want to be the best mothers we can be. We have this much in common.

Third, I found that some women don't experience tension between working and stay-at-home moms—or at least nothing they'd call a war. But even these moms agree that we all struggle to feel good about our unique brand of motherhood. An innocent desire, but one that makes us vulnerable. Politicians and the media exploit stereotyped images of "soccer moms" and "welfare moms," because they know women want to be classified as

“good” and “bad” on some level. Worst of all, this need to feel good makes us very , very critical of one another and ourselves.

Positive messages for mothers in twenty-first-century American society are harder to find than swim diapers at Target in August. When was the last time you told another woman “You’re a good mom”? How about the last newspaper or magazine article that said: “Relax, you’re not perfect, but since you love your kid deeply, it’s all going to turn out okay in the long run”? Even if you don’t breast-feed for at least six months, don’t devote twenty-four hours a day to developing your kid’s IQ, and occasionally down a glass of wine before 6 P.M. because the kids are driving you crazy.

Love for our children, and the immense task of caring for them, burns up large portions of our pre-mom selves. Then, after years spent diapering babies and fixing school lunches, we look up and find little to no sincere affirmation from our friends, our families, or greater society that we’ve done an admirable job rearing our children. The only moms who do feel genuinely proud are women with rock-solid self-esteem in this area. All two of them. So how, then, can the rest of us feel like good moms?

When you want to feel good about yourself, and cannot despite repeated attempts, the next best thing is to feel better than others. Ask any seventh-grad girl. Starting when I was eleven or twelve, the goddess in my life—older girls—trained me in the ancient art of comparing and ranking females endlessly on the traits that mattered then: weight, hair color, breast size, and so on. Most of this indoctrination took place in locker rooms, girls’ bathrooms, classrooms, and hallways emptied of boys and teachers.

I’ve never been happy plying this trade. The competitiveness of the female tribe led me to a teenage bout with anorexia, endless hours wasted trying to get a 360-degree view of my butt in the mirror, and four years at Harvard proving that I was smart even if I’d failed in my quest to be physically perfect. It’s not the kind of interior monologue that makes one feel particularly fine about the fairer sex. But I’ve never been able to rid myself of this need to judge women, including—perhaps most of all—myself.

When I became a mother, this ability to classify myself vis-à-vis other women slammed me headfirst into a stone-and-mortar wall. Who ranks as best mom? How can I win the potty-training round? On my most insecure days, I’d trade my diamond earrings to know on an absolute and indisputable scale who is a better or worse mother than I am, to line up every mom in the world from best to worst, myself somewhere in the front to middle.

I want to know. I need to know. I will never know.

There’s no diving who’s best when it comes to motherhood. We are all completely unprepared for the job; our mothers lived in such a different world that they seem as baffled as motherhood today as we are. We do the best we can with our decisions on

work and family. As Beth Brophy wrote, we are all trying to convince ourselves we are good enough.

Whether to work or not after having kids is a profound choice; it splits women into two groups with publicly distinct theories about motherhood. Our internal monologue about whether we are good mothers morphs into an external catfight in which we disparage other mothers. Were talking age-old us-versus-them rivalries: the Capulets versus the Montagues, Lord of the Flies, Animal Farm... working versus stay-at-home moms.

Not coincidentally, all of these rivalries end badly...

It's no coincidence that so many women in this book wrote about their mothers and their childhoods. As mothers, we all, to various extents, carry the baggage of our pasts; we all try to re-create the good facets of our childhoods and to compensate for the painful ones. The memory of what we did and did not receive as children shapes—some would say warps—our approach to motherhood. We try to give children (and by proxy ourselves) what we lacked as children. For some, it's financial security, a nice house, an unending supply of beautiful clothes and toys. Others give guidance and boundaries, a focus on goals and achievement. Still others want to give laxity, freedom, and unconditional love.

What I most want to give my children is the one thing I didn't have in a childhood filled with pets, books, barefoot summers in New Hampshire, and a pony when I turned thirteen. I want to—I need to—give my children a happy mom. And for me, being happy means working.

Before tackling this book, I had no idea why some moms stayed home. I had no clue what they were doing there. I didn't know if they were faking happiness or were truly content without work and a pay-check in their lives. And I had no inkling why I raged against them so bitterly at times. I know these women now—and I see that their decisions differ only slightly from my own.

I never hated other mothers. My anger came from years of competitiveness with other women, and my own internal agony of seeing, in stay-at-home moms, what I was missing at home when I was at work, and in ambitious working moms the career sacrifices I was making by working part-time. It's clear to me now that comparing myself to other moms is pointless. It's also clear that other moms' choices suit them and my choices are mostly right for me and my kids, which is not the same as perfect. But I'm not out to be perfect. I'm out to be better than perfect, as Anne Marie Feld writes. I'm out to be happy. And that's a personal quest no one but I can judge, fulfill, imitate, or envy.

We all need other moms regardless of our personal decisions about working or staying home. That's why I needed this book. The stories on these pages made me laugh, and cry, and regret a few things, and analyze—yet again—my decisions about much of my life to devote to my work and my children and myself.

There are no easy answers. But I no longer feel alone in my struggle to balance work and family. There are millions of women in America keeping me company as I fight my internal mommy war, and a very good company you are. (p. 328-331)

Modernity under Arendt and the Orientalist Trap (Parekh and Coomaraswamy)

The women that *Machiavellian* executive men look for in their hunt for the *trophy-wives* are highly-educated and cultivated women, as well as highly-trained and adept at social-networking and the social graces (particularly in cases of expatriation). The skills and labor of these women are exploited by husbands and the companies (or governments) for whom they work for decades. These companies at present are now paying hundreds of millions of dollars (if not billions) in social-networking, digital media, and event planning—work that homemakers are (and have always done), but are then being told that they “do nothing” and that “they and their work have no value to society” (except in their reproductive capacity) is degrading and *oppressive* to these women.

Hannah Arendt and the Challenge of Modernity: A Phenomenology of Human Rights, S. Parekh

But, when the courts, and thereby governments, fail to recognize the social contribution these women make to societies and stable economies, they are officially relegating these women to the status of slave—obligating her to “buy” her freedom in the case of divorce with no rights to reclaim any of the fruits of her labor (or her womb) within the marriage or family. examines the new form of slavery the homemaker under present no-fault divorce standards in western courts in, *Hannah Arendt and the Challenge of Modernity: A Phenomenology of Human Rights*,

In Arendt's analysis, the destruction of the common world was intimately connected with the creation of superfluous people, who were both rootless and homeless. To be homeless and rootless means that you had “no place in the world, recognized and guaranteed by others” (OT 475). Superfluous people—people who are not needed economically, politically, or socially—were created with the mass unemployment and population growth of the 19th century and continued to exist through the 20th century in the form of mass society. Superfluous people, as Arendt understands them, are not merely those who are despised and oppressed within any given society. This group of people is unique because they simply do not matter and are entirely expendable. This is different from slavery in the ancient world, for example, since “slaves still belonged to some sort of human community; their labor was needed, used, and exploited, and this kept them within the pale of humanity. To be a slave was after all to have a distinctive character, a place in society” (OT 297). Superfluousness is closed tied to world alienation, as one characteristic of such people is that “they do not believe in anything visible, in the reality of their own experiences” (OT 351).

To be superfluous for Arendt did not mean that these individuals were free to pursue their private interests since others did not need them. Rather, superfluousness was connected to the ontological condition of the masses in the 20th century—loneliness. Loneliness is the experience of not belonging to the world at all. “What prepares men for totalitarian domination in the non-totalitarian world is the fact that loneliness, once a borderline experience usually suffered in certain marginal social conditions like old age, has

become an everyday experience of the ever-growing masses of our century” (OT 478). Loneliness, isolation, and “the general contempt for even the most obvious rules of common sense” are the defining characteristics of the people who were so easily organized by the totalitarian movements (OT 316). This was all the easier to do since their feeling of superfluosity creates a “contempt for human life” (OT 311). In other words, without a common world, a shared experience that forms a common ground, individuals are not free and happy, but lonely and contemptuous. When standard rules of morality break down—as they did in totalitarianism and continue to do periodically throughout the world (Rwanda, Darfur)—there is nothing to prevent such a breakdown. As Arendt tells us, “[n]othing proved easier to destroy than the privacy and private morality of people who thought of nothing but safeguarding their private lives” (OT 338).

The existence of superfluous people in modernity, people who lack a place in the world from which to act and be recognized, people for whom the world alienation of modernity means living under conditions of radical loneliness, is thus politically significant for a number of reasons. It prepared people to take part in totalitarianism, and it creates “living corpses.” Under such conditions, human rights violations seem like part and parcel of modern life. This remains important because, even though totalitarianism may no longer be a threat in the way that it was in the middle of the last century, the circumstances of modernity—alienation, superfluosity, and loneliness—continue. As Arendt put it, “totalitarianism became this century’s curse only because it so terrifyingly took care of its problems” (BT 430). These are some of the circumstances and problems that human rights must overcome if they are to be securely established in the modern world.

Arendt’s view of modernity is important in understanding her analysis of human rights for a number of reasons. Because of the primacy of the disappearance of the common world, Arendt’s focus is on understanding how a common, shared reality might be possible within the modern worldview. My thesis is that for Arendt, it is through a phenomenological rehabilitation of the common world that a ground for human dignity can be found. This can be seen in contradistinction to theories that seek a foundation in order to overcome the loss of a transcendental foundation. In other words, because we can no longer ground human rights in God’s will or natural law, many authors seek to find a grounding for human rights that has the same, unquestionable certainty. But because we still live in the modern world, no such ground is possible outside of particular communities of belief. Yet, if we follow Arendt, we will see that this does not mean we are doomed to a partial, subjective, or arbitrary view of human rights or human dignity.¹ If there is a commonly shared world and experience that we can fall back upon, our options are not limited to the choice between pre-modern objectivity and certainty or modern subjectivity and radical uncertainty. What makes human dignity possible is the reality of the common world and our common experiences.

We should keep in mind how Arendt understood what she was doing as she wrote, lectured, and taught about these issues. Arendt saw herself engaged in a project of understanding, which she distinguishes sharply from knowing. “Understanding, as

distinguished from having correct information and scientific knowledge, is a complicated process which never produces unequivocal results. It is an unending activity by which, in constant change and variation, we come to terms with and reconcile ourselves to reality, that is, try to be at home in the world” (EU 307–308). This can be further contrasted with, “thoughtlessness—heedless recklessness or hopeless confusion or complacent repetition of ‘truths’ which have become trivial and empty,” which for her is one of the “outstanding characteristics of our time” (HC 5). In this respect her very methodology is connected to what she sees as the fundamental challenge of modernity—the loss of reality—since the goal of understanding is to “reconcile ourselves to reality.”

Seeing her project in this light is important because it goes a long way in showing why Arendt is engaged in a different project than many other authors on human rights. Her goal is not to create a normative ground for human rights that all people will be forced to grant under pain of self-contradiction. Nor is she interested in producing words that “fight” human rights violations, since weapons and fighting belong to the realm of violence, and violence marks the end of speech and hence politics. While acknowledging that understanding in itself is never going to end human rights violations, it nonetheless must accompany this struggle: “For, although we merely know, but do not yet understand, what we are fighting against, we know and understand even less what we are fighting for” (EU 310). Understanding was so essential for her, within context of totalitarianism, because it “will certainly more effectively prevent people from joining a totalitarian movement than the most reliable information, the most perceptive political analysis, or the most comprehensive accumulated knowledge” (UP 311). As a phenomenologist, Arendt is not interested in changing people’s minds or developing a system, but in disclosing the world through language. In other words, creating understanding, “reconciling ourselves with reality,” is essential to grounding human dignity, fighting injustice, securing human rights, though it will never have the same unequivocal results of pre-modern theories.

The Orientalist Trap

Women within the home and family, at all socio-economic levels of societies, and under the antiquated divorce norms, wielded an enormous influence and unofficial power—which has at present been destabilized by a failure of the West to have approached the women’s rights movement in a holistic manner. Rebecca Cook describes this phenomenon in *Human Rights of Women*,

[Coomaraswamy] emphasized the need to avoid the “Orientalist trap” of dividing the world into bipolar categories. Those in the West must guard against the idea that the West is progressive on women’s rights and the East is barbaric and backward. Those in the East must be equally cautious not to subscribe to the reverse notion that accept the East/West distinction, but believes that the East is superior, more communal, and less self-centered with no place for an “adversarial” concept of rights. She cited the coexistence of the two traditions in South Asia to illustrate the dangers of oversimplification.

Coomaraswamy started from the presumption that, for human rights to be effective, they have to become a respected part of the culture and traditions of a given society. In South Asia, the institution of law is generally viewed with deep suspicion and often hatred because it is seen as the central instrument employed by colonizing powers to replace indigenous cultural, religious, and social traditions with the mechanisms of the modern Western nation state.

When the law of women's human rights is associated with an impersonal and homogenizing Western state, the rights are discredited. Coomaraswamy proposed that the future of human rights in South Asia does not lie with the state but the confluence of the interests of the state and movements in civil society. She cautioned that "unless human rights values take root in civil society and unless civil institutions and non-governmental organizations (NGOs) take up the cause, then women's rights as human rights will have no resonance in the social institutions concerned."

Rebecca Cook discusses this same phenomenon in her analysis of "State Accountability Under the Women's Convention" in *Human Rights of Women*,

The question arises from analysis that is conscious that much standard setting in law is derived from ostensibly objective criteria that, as a matter of history and legal culture, were fashioned through the male gender. Reasonable person standards, frequently described as the standards of "the reasonable man," center on men with whom senior lawyers, judges, and legislators have been able to identify. Such officers have in the past been members of socioeconomic elites, aware of the lives of women, racial minorities, and people of low income and influence only through stereotypes. Their attitudes patronized women and sought to protect them from vulnerability in the world of men's affairs through exclusion. They did not truly answer, because they never truly asked what impact the laws and social institutions they had created had on women. Answers are compelled by "asking the woman question."...

A legal analyst explains:

In law, asking the woman question means examining how the law fails to take into account the experiences and values that seem more typical of women than of men, for whatever reason, or how existing legal standards and concepts might disadvantage women. The question assumes that some features of the law may be not only non-neutral in a general sense, but also "male" in a specific sense. The purpose of the woman question is to expose those features and how they operate, and to suggest how they might be corrected...

Without the woman question, differences associated with women are taken for granted and, unexamined, may serve as a justification for laws that disadvantage women... In exposing the hidden effect of laws that do not explicitly discriminate on the basis of sex, the woman question helps to demonstrate how social structures embody norms that implicitly render women different and thereby subordinate.

A consequence of answering the “woman question” is domestic legal systems is development of new theories that require women’s equal access to public sector institutions and the law’s remedial involvement in spousal and family relations that exploit the vulnerability and powerlessness of women.

As seen in the discourse above, it was exactly the failure of the women’s rights movement in the West to have examined the *woman question* from a holistic perspective in the ‘70s, which permitted the Western *social conservatives* to usurp the dialogue and power. They were, in turn, able to formulate and control the *gender-equal* norms in *family courts*—without any effective opposition from the feminists. This is the root of the issues which are producing rampant discrimination against women in the courts—as both Coomaraswamy and Cook point out in their analysis.

The fact that *family courts*, and thereby, governments, are refusing to recognize the contribution of these women in *division of assets* and *alimony awards* is clearly discriminatory. For example, within the debate surrounding legal fees for homemakers, and the contention that husband’s do not have to “pay for” the legal fees of their wives. The issue here is not whether husband’s have to pay “legal fees.” The issue here, from a human rights perspective is the fact that lawyers and judges do not consider common property assets—common property. Lawyers and judges by unilaterally deciding that women’s common property assets “do not belong to them” is nothing less than the illegal misappropriation of assets by the courts. The fact that *courts* are allowing husbands (but not wives) to access and utilize common property assets for “legal fees” in a divorce is *de facto* discrimination, and illegal under national and international law. However, since this is the discriminatory norm amongst lawyers and the courts, women have nowhere to turn for justice and restoration of their misappropriated assets. What everyone is failing to understand here is the discriminatory nature, and therefore illegality, of the debate of whether a woman should be able to access her assets to begin with—rather than a question of deciding which side to choose in a debate which is flawed in its fundamental premise, and thereby null and void.

Oppression of Women in Social, Economic, and Political Arenas

This role, and influence the culture, and thereby the social, economic, and political arenas has on the oppression of women in its various forms is explained in the UN report, *In-depth study on all forms of violence against women* (2006).

Culture is not homogenous. It incorporates competing and contradictory values. Particular values and norms acquire authority when political, economic and social developments bring their proponents to power or positions of influence. Determinations of what needs to be preserved change over time, as, for example, when male leaders willingly accept technology that massively affects culture, but resist changes in women’s status, reflecting a tendency to treat women as the repositories of cultural identity. Women are also actors in constituting culture: they “influence and build the cultures around them, changing them as they resist, and reinforcing and recreating them as they conform”.

Key aspects of women's individual identities are interwoven with their cultural communities and their participation in cultural customs and practices. Women not only suffer from negative aspects of the cultures in which they live, they also benefit from and are supported by positive cultural values and practices within their communities.

Cultural justifications for restricting women's human rights have been asserted by some States and by social groups within many countries claiming to defend cultural tradition. These defences are generally voiced by political leaders or traditional authorities, not by those whose rights are actually affected. Cultural relativist arguments have been advanced in national contexts and in international debates when laws and practices that curtail women's human rights have been challenged. The politicization of culture in the form of religious "fundamentalisms" in diverse geographic and religious contexts has become a serious challenge to efforts to secure women's human rights.

Tension between cultural relativism and the recognition of women's human rights, including the right to be free from violence, has been intensified as a result of the current heightened attention to State security issues. The resort to cultural relativism has been "made worse by the policies adopted since 11 September 2001 by many groups and societies that feel threatened and under siege"

This tension poses a notable challenge in ensuring that violence against women is kept firmly on the international and national agendas with the priority it requires.

.... The role of culture as a causal factor for violence against women must therefore be investigated within diverse cultural settings, taking into account the many ways in which the concept of culture is used. Culture can be most usefully viewed as a shifting set of discourses, power relations and social, economic and political processes, rather than as a fixed set of beliefs and practices...

However, in the analysis of the situation, it should not be forgotten –and as highlighted in section 108 of the report *Indepth Study on VAW* “[w]hile women commit a small proportion of intimate partner violence, **they are involved to a greater degree in the perpetration of harmful traditional practices and in trafficking.**” The role that women at all levels of society have, and still are, playing in maintaining a *status quo* which discriminates and oppresses women is simply not being properly understood by policy-makers, and even the general public. The common held belief, or *stereo-type*, that elevating women to positions of power in society will automatically liberate them—is the *opiate of the masses* of social conservatives, and nothing more than an *alpha-male fallacy*. The social forces at play, the stereo-typing, as well as discriminatory and illegal networking that is going on within courts and legal systems must be more properly examined if the *woman question* is to be properly understood.

In the well-known movie, *Never Without My Daughter*—and high-profile case which led up to creation of the *The Hague Convention on International Child Abduction*—Betty Mahmoodys' husband is beating her in front of their daughter and a group of women. The only action the women takes is to remove the child from the “line of fire” of Betty's husband. This scene is greatly criticized in the West—and held as “proof” as to how the East supports and sustains

violence against women. However, what *family courts*, and Western societies in a larger context, are failing to understand, as my case demonstrates, is the extent to which the violation of women's economic (and custodial) rights is disempowering and oppressing women, not only during her divorce, but for the rest of her life.

If one examines the scholarly literature regarding “harmful traditional practice,” of women-on-women, it is almost exclusively devoted to *female-genital mutilation*. And, while admittedly this is truly an abhorrent custom that must be denounced for the atrocity and human rights violations that it is. The horrific pain, and violation of a woman's right be free from such horrific violence, should not deflect attention away from the subtler forms of violence against, and abuse of, women in the West. The fact that *female-genital mutilation* takes such a prominent role in the debate in the West, on the East's oppression of women, is more a reflection of how researchers and policy-makers are *polarizing* the debate (and only scratching the surface of the social forces at play), rather than the reality of the situation. Until researchers and policy-makers, as well as the general public, understand how, and why, women are their worst enemies, so to speak, effective solutions to combating oppression of women, and the underlying issues, will never be produced or implemented.

Domestic Violence: Abusers and Their Accomplices

In his book *Emotional Intelligence*, Daniel Goleman provides insight into the inner-working of the mind of those who commit acts of violence against women and children, as well as those who assist them,

A psychological fault line is common to rapists, child molesters, and many perpetrators of family violence alike: they are incapable of empathy. This inability to feel their victims' pain allows them to tell themselves lies that encourage their crime. For rapists, the lies include themselves lies that encourage their crime. For rapists, the lies include “Women really want to be raped” or “If she resists, she's just playing hard to get” for molesters, “I'm not hurting the child, just showing love” or “This is just another form of affection” for physically abusive parents, “This is just good discipline.” These self-justifications are all collected from what people being treated for these problems say they have told themselves as they were brutalizing their victims, or preparing to do so.

...While there may be some small hope for instilling a sense of empathy in offenders such as child molesters, there is much less for another criminal type, the psychopath (more recently called the sociopath as a psychiatric diagnosis). Psychopaths are notorious for being both charming and completely without remorse for even the most cruel and heartless acts. Psychopathy, the incapacity to feel empathy or compassion of any sort, or the least twinge of conscience, is one of the more perplexing of emotional defects. The heart of the psychopath's coldness seems to lie in the inability to make anything more than the shallowest of emotional connections...

Psychopaths are also glib liars, willing to say anything to get what they want, and they manipulate their victims' emotions with the same cynicism.... One might be that a perverse kind of emotional skill—intimidating other people—has survival value in violent

neighborhoods... Their violence appears to be a calculated act of terrorism, a method for controlling their wives by instilling fear.

These coolly brutal husbands are a breed apart from most other men who batter their wives. For one, they are far more likely to be violent outside the marriage as well... And while most men who become violent with their wives do so impulsively, out of rage after feeling rejected or jealous, or out of fear of abandonment, these calculating batterers will strike out at their wives seemingly for no reason at all—and once they start, nothing she does, including trying to leave, seems to restrain their violence. (p. 107-110)

Social Conservatism in the US Department of State and Human Rights Violations

Additionally, as demonstrated in the October 2013 edition of *Family Courts in Crisis* newsletter, “The Emperor’s New Clothes: Domestic Violence, International Divorce & the Obligation to Protect under International Law,” ([see Document 1](#)) the US Department of State continue to propagate (and finance) socially conservative policies which not only discriminate and oppress women and children, but which are illegal under US and international law. The failure of the US Department of State to reform their policies of non-compliance with US federal law and instead continue to pursue its illegal, and socially conservative, policies of the past is a perfect example (but hardly the only one) of how and why rhetoric surrounding the oppression of women is not being transformed into reality within American government agencies, and therefore in their work, and services they provide.

As head of the State Department, Hillary Clinton (2009-2013) had the power and authority to assure that Consulates implement laws designed to protect victims’ rights. But, under her direction she did not do so. It is quite possible, and probable, that Secretary Clinton was unaware of the fact that policies and guidelines already “on the books” were not being properly implemented. However, if unaware, it highlights not only the lack of prioritization of women’s and children’s rights issues (particularly in cases of domestic violence) by the US Department of State, and the American government, but also the bureaucratic disorganization that stifles and creates chaos throughout the entire organization. As an expatriate, as well as a concerned citizen who takes her civic duties very seriously, I have had extensive dealings with American consulates and embassies, as well as State Department officials in the past thirty years, and they are all woefully arrogant and unhelpful in their stance and services they offer—services which amount to issuing for-profit passports and visas. If one examines the past of the State Department and its spy fiascos as well as foreign policy fiascos involving serious human rights violations of the past decades, it is truly a very black mark upon the reputation and integrity of the American government, and thereby American People.

The antiquated and dysfunctional work environment that is being produced by a preponderance of *alpha-male* management within public and private sector organizations is not only creating enormous inefficiencies within banking systems, but also the legal profession. The dynamics of the situation is examined by Kate Ludeman and Eddie Erlandson, in their article “Coaching the Alpha Male” (Harvard Business Review, May 2004).

Highly intelligent, confident, and successful, alpha males represent about 70% of all senior executives. As the label implies, they’re the people who aren’t happy unless

*they're the top dogs—the ones calling the shots. Although there are plenty of successful female leaders with equally strong personalities, we've found top women rarely if ever match the complete alpha profile.. Alphas reach the top ranks in large organizations because they are natural leaders—comfortable with responsibility in a way nonalphas can never be. Most people feel stress when they have to make important decisions; alphas get stressed when tough decisions don't rest in their capable hands. For them, being in charge delivers such a thrill, they willingly take on levels of responsibility most rational people would find overwhelming. In fact, it's hard to imagine the modern corporation without alpha leaders.*¹⁴

The Dark Triad in Politics and Business

Daniel Goleman further explains the inner-working of the mind of the dysfunctional *alpha* worker in *Social Intelligence: The Revolutionary New Science of Human Relationships*.

However, it is important to note in his text that the narcissistic personality-type—given the right amount of empathy—can be a very productive and positive contribution to an organization and society. So as demonstrated time and again, it is not only possible, but advantageous to pursue actions and public policies which promote the interests of the *common good*, while concurrently promoting *individual rights* of all members of the community. The reason that the narcissistic, *alpha-male* rhetoric of the past has been incapable of arriving at a congruous compromise between the two, is due to the inability to inject empathy (and morality) into the equation, rather than the impossibility of an ideological agreement. The only reason that rhetoric of the past has been unable to promote *common good* as well as *individual rights* on the same political platform is because *individual rights* are examined from a narcissistic, hedonistic perspective, as opposed to more an empathetic (or *beta*) perspectives. Once the paradigm and perspective is change from *alpha* to *beta*, the congruity of *individual* and *collective* rights becomes evident—as does the futility of the discord between the East and West regarding the issues. Social conservatism has been *flaming the fire* on this *discord* for decades—with the express intention of promoting an extremism agenda, and support for their militaristic objectives (Greenwald, Faludi, inter alia). A shift in paradigms (from *alpha* to *beta*) would do much to reverse this trend,

Empathy is the prime inhibitor of human cruelty: withholding our natural inclination to feel with another allows us to treat the other as an It....

When being tuned out of caring is a person's defining trait, they typically belong to one of the types that psychologist dub "the Dark Triad": narcissists, Machiavellians, and psychopaths. All three types share to varying degrees an unappealing, though sometimes well-concealed, core: social malevolence and duplicity, self-centeredness and aggression, and emotional coldness.

¹⁴ <https://hbr.org/2004/05/coaching-the-alpha-male>

We would do well to familiarize ourselves with the hallmarks of this threesome, if only to better recognize them. Modern society, glorifying me-first motives and worshiping celebrity demigods of greed unleashed and vanity idealized, may be inadvertently inviting these types to flourish.

Most people who fall into the Dark Triad do not qualify for a psychiatric diagnosis, though at their extremes they shade into mental illness or become outlaws—particularly psychopaths. But the far more common “subclinical” variety live among us, populating offices, schools, bars, and the routine byways of daily life.

The Narcissist: Dreams of Glory

The healthy variety of the narcissism originates in the well-loved infant’s notion that she is the center of the world, that her needs are everyone else’s priority. In adulthood this same attitude matures into a positive self-regard that gives her confidence appropriate to her level of talent—an essential ingredient for success. Lacking such self-confidence, people shrink from deploying whatever gifts or strengths they may have.

Whether a given narcissist is healthy or unhealthy can be gauged by their capacity for empathy. The more impaired the person’s ability to consider others may be, the less healthy is their narcissism.

Many narcissists are drawn to pressured, high-profile jobs where they can use their talents well and the potential laurels are great—despite any risks. Like Andre, they make their best effort when a grand payoff beckons.

In the business world such narcissists can end up as larger-than-life leaders. Michael Maccoby, a psychoanalyst who has studied (and treated) narcissistic leaders, observes that the type has become increasingly common at the top echelons of business today as competitive tensions—as well as executive pay and glamour—have escalated.

Such ambitious and self-confident leaders can be effective in the present cutthroat business world. The best are creative strategists who can grasp the big picture and navigate risky challenges to leave a positive legacy. Productive narcissists combine a justified self-confidence with openness to criticism—at least to criticism that comes from confidants.

Healthy narcissistic leaders have the ability for self-reflection and are open to reality checks. They develop a sense of perspective and can be playful even as they pursue their goals. If open to new information, they are more likely to make sound decisions and are less likely to be blindsided by events.

But unhealthy narcissists crave to be admired more than to be loved. Often innovators in business, they are driven to achieve—not because they have a high internal standard of excellence but because they want the perks and glory that achievement brings. Caring little about how their actions affect others, they feel free to pursue their goals aggressively, regardless of the human costs. In time of great turbulence, Maccoby

proposes, such leaders can seem attractive, if only because they have the audacity to push through programs that bring radical changes.

But such narcissists empathize selectively, turning a blind eye to those who do not feed their striving for glory. They can close or sell a company, or lay off multitudes of employees, without feeling an ounce of sympathy for those for whom those decisions are personal disasters. In the absence of empathy, they have no regrets and are indifferent to the needs or feelings of their employees.

Unhealthy narcissist typically lack a feeling of self-worth; the result is an inner shakiness that in a leader, for example, means that even as he unfurls inspiring visions, he harbors a vulnerability that closes his ears to criticism. Such leaders avoid even constructive feedback, which they perceive as an attack. Their hypersensitivity to criticism in any form also means that narcissist leaders don't seek out information widely; rather, they selectively seize on data that supports their views, ignoring disconfirming facts. They don't listen but prefer to preach and indoctrinate.

While some narcissistic leaders get spectacular results, others create disasters. When they harbor unrealistic dreams, lacking any restraint and ignoring wise counsel, they drag a company down the wrong track. Given the large number of narcissistic leaders at the helm of companies today, Maccoby warns, organizations must find ways to force leaders to listen and take others' views into account. Otherwise, such leaders will likely stay isolated behind a wall of sycophants who will be supportive no matter what.

One narcissistic CEO came to Maccoby for psychotherapy to learn why he so readily flew into rages at the people who worked for him. He would take even helpful suggestions as slights and turn on whoever had made them. The CEO traced his anger to childhood feelings of being unappreciated by his aloof father. No matter what he accomplished, his father was unimpressed. The CEO realized that how he sought emotional restitution in the form of unstinting praise from his employees, and that he needed to hear it in abundance. But when he felt underappreciated, he became enraged.

With that insight, the CEO began to change, even learning to laugh at his craving for applause. At one point he announced to his top team that he was in psychoanalysis and asked what they thought. There was a long pause; then one executive worked up the courage to say that he didn't seem as angry anymore, so whatever he was doing, he should keep it up.

The Dark Side of Loyalty

"My students," a business school professor confides, understand "organizational life as a kind of 'vanity fair,' in which those who want to get ahead can do so by playing to the vanity of their superiors."

One plays this game, his students know, by using outright flattery and adulation. Enough sycophancy, they believe, will lead to promotions. If in the process they have to withhold,

downplay, or distort important information, so be it. Through guile and with a bit of luck, the hard consequences of that suppression will fall on someone else's watch."

That cynical attitude goes to the heart of the danger of unhealthy narcissism in organizational life. An entire organization can be narcissistic. When a critical mass of employees share a narcissistic outlook, the outfit itself takes on those traits, which become standard operating procedures.

Organizational narcissism has clear perils. Pumping up grandiosity, whether it is the boss's or some false collective self-image held throughout the company, becomes the operating norm. Healthy dissent dies out. And any organization that is cheated of a full grasp of truth loses the ability to respond nimbly to harsh realities.

To be sure, every company wants its employees to be proud they work there and to feel that they share a meaningful mission—a bit of well-founded collective narcissism is healthy. Trouble creeps in when that pride builds on a desperate grasp for glory rather than on real accomplishment.

Trouble grows when narcissistic leaders expect to hear only messages that confirm their own sense of greatness. And when those leaders turn against bearers of bad news, subordinates naturally start to ignore data that do not fit the grandiose image. This skewed filter on reality need not be cynically motivated. Employees who themselves gain ego-inflation from belonging will bend the truth willingly, in exchange for the rosy feelings of group self-adulation.

A poignant causality of such malignant group narcissism is not just truth but authentic connection among coworkers. Everyone tacitly collude to maintain their shared illusions. Suppression and paranoia thrive. Work devolves to a charade...

Narcissistic organizations implicitly encourage such duplicity, even while ostensibly asking for candor and hard data. Shared illusions flourish in direct proportion to the suppression of truth. When narcissism spreads within a company, then those who challenge the self-flattery—even with crucial information—threaten all failure or shame. In the psyche of the narcissist, the knee-jerk response to such a threat is rage. In a narcissistic company, those who imperil the group's grandiosity are typically demoted, upbraided, or fired.

The narcissistic organization becomes a moral universe of its own, a world where its goals, goodness, and means are not questioned but taken as holy writ. It's a world where doing whatever we need to, to get whatever we want, seem perfectly fine. The ongoing self-celebration fogs over how divorced from reality we've become. The rules don't apply to us, just to others...

As the myth suggests, many narcissists attract people because the self-confidence they exude can lend them a charismatic aura. Though they are quick to put others down, unhealthy narcissists view themselves in absolutely positive terms. They are,

understandably, happiest in a marriage with someone who will be unfailingly fawning.” The slogan of the narcissist might be “Others exist to adore me.”

Among the Dark Triad, narcissists alone are blatant in their self-inflation and braggardocio—leavened with a necessary dose of self-deception. Their bias is firmly self-serving; they take credit for successes but never blame for failure. They feel entitled to glory, even blithely claiming credit for other’s work (but they see nothing wrong in this—nor in anything else they might do).

According to one standard test, a narcissist is someone who has a grandiose sense of self-importance, harbors obsessive fantasies of unbound glory, feels rage or intense shame when criticized, expects special favors, and lacks empathy. The deficiency in empathy means narcissists remain oblivious to the self-centered abrasiveness that others see in them so clearly.

Although they can selectively turn on the charm, narcissists can just as readily be disagreeable. Not in the least drawn to emotional intimacy, they are highly competitive, cynical and mistrustful of others, and readily exploit the people in their lives—glorifying themselves even at the expense of slighting someone close to them. Nonetheless, narcissists typically think of themselves as likable.

Unrealistic self-inflation comes more readily in cultures that encourage individualistic striving rather than shared success. Collective cultures, prevalent in East Asia and Northern Europe, place a premium on harmonizing with the group and sharing both work and credit for success, while giving up expectations of being treated as special. But individualistic cultures, like the United States and Australia, tend to encourage striving for the glory of individual accomplishment and its rewards. Accordingly, American college in most endeavors, while Japanese students rate themselves exactly in the middle.

The Machiavellian: My Ends Justify the Means

...We instantly recognize this manipulative manager; we’ve seen him in countless movies, plays, and television dramas. The stereotype of the cad, the unfeeling but smooth villain who ruthlessly exploits, pervades popular culture....

When Niccolo Machiavelli wrote The Prince, the sixteenth-century manual for seizing and holding political power through cunning manipulation, he took for granted that the aspiring ruler had only his own interests at heart, caring not at all about the people he ruled nor those he crushed to gain power. For the Machavellian the ends justify the means, no matter what human pain he may cause. That ethic prevailed among Machiavelli’s fans in the hothouse of royal courts for centuries (and of course, it continues unabated in many contemporary political and business circles).

Machiavelli’s assumption was that self-interest is the sole driving force in human nature; altruism nowhere enters the picture. To be sure, a political Machiavellian may in fact not consider his ends to be selfish or evil; he may come up with a convincing rational, even

one he believes. Every totalitarian ruler, for instance, justifies his own tyranny as needed to protect the state from some sinister enemy, even if only a concocted one.

The term “Machiavellian” (or the shorthand “Mach”) is used by psychologists to apply to people whose outlook on life reflects just this cynical, anything-goes attitude. The first test for Machs was actually based on statements from Machiavelli’s book, like “The biggest difference between most criminals and other people is that the criminals are stupid enough to get caught,” and “Most people forget more easily the death of their parents than the loss of their property.”

The psychological inventory makes no moral judgements, and in contexts ranging from sales to politics, the talents of the Mach—including a glib charm, cunning, and confidence—may be desirable assets. On the other hand, Machs tend to be cynically calculating and arrogant, readily behaving in ways that undermine trust and cooperation.

Though perhaps admirable coolheaded in their social interactions, they remain uninterested in establishing emotional connections. Machs, like narcissists, see others in strictly utilitarian terms—as an It to manipulate for their own ends. For instance, one confided to a counselor in matter-of-fact tones that he had just “fired” his girl-friend; he saw people in all realms of his life much as interchangeable parts, one as good as another.

The Mach shares many traits with the other two branches of the Dark Triad, such as a disagreeable nature and selfishness. But far more than the narcissist or psychopath, the Mach remains realistic about himself and other, neither making inflated claims nor striving to impress. The Mach prefers to see things clearly, all the better to exploit them.

In human prehistory, some evolutionary theorists argue, human intelligence first emerged as such crafty operation in the service of one’s own interests. In mankind’s earliest eras, runs this argument, victory lay in displaying just enough deviousness to get a lion’s share without getting booted out of the group.

Today Machiavellian types like the kiss-up-kick-down manager may well gain some personal success. But in the long run Machs run the risk that their poisoned relationships and resulting bad reputation may one day derail them. A Mach’s personal history inevitably will be littered with resentful ex-friends, ex-lovers, and ex-business associates—all brimming with hurt or simmering resentment. Still, a highly mobile society may offer a receptive ecological niche for Machs, where they can readily move on to new conquests far enough afield from the last that their misdeeds never catch up with them.

Machs typically have tunnel-vision empathy: they can bring someone’s emotions into focus mainly when they wish to use that person for their own ends. Otherwise, Machs are generally poorer at empathic attunement than others. The coldness of the Mach seems to result from this core deficit in processing emotions—both in themselves and in others. The coldness of the Mach seems to result from this core deficit in processing emotions—

both in themselves and in others. They see the world in rational, probabilistic terms that are not only devoid of emotions but absent the ethical sense that flows from human concern. Hence their easy fall into villainy.

Lacking the full capacity to feel with others, Machs also cannot feel for them. Like that serial killer, a part of them has been turned off. Machs appear just as confused when it comes to their own emotions; at a moment of unease they may not know whether, as one expert put it, they are feeling “sad, tired, hungry or ill.” Machs appear to experience their emotionally dry inner world as rife with compelling primal needs for sex, money, or power. The Mach’s predicament comes down to how to fulfill those drives with an interpersonal toolkit that lacks a crucial range of emotional radar.

Even so, their selective capacity for sensing what someone might be thinking can be quite incisive, and they seem to rely on this social cunning to make their way in the world. Machs become astute students of an interpersonal world they can penetrate only at the surface; their shrewd social cognition notes nuances and figures out how people might react to a given situation. These abilities allow their legendary social slickness.

As we’ve seen, some current definitions of social intelligence, based mainly on such social savvy, would give Machs high marks. But while their head knows what to do, their heart remains clueless. Some see this combination of strength and weakness as a disability Machs overcome through self-serving cunning. Their manipulateness, in this view, compensates for their blindness to the full range of emotion. That sorry adaptation poisons their relationships.

The Psychopath: Other as Object

... For psychopaths, other people are always an It, a mark to be duped, used, and discarded. This may sound familiar: some argue that the Dark Triad actually describes different points along the same continuum, from healthy narcissism to psychopathy. Indeed, the Mach and the psychopath seem particularly similar, and some argue that the Mach represents the subclinical (or nonimprisoned) version of the psychopath. The test for psychopathy includes a measure of “Machiavellian egocentricity,” such as agreeing with statements like “I always look out for my own interests before worrying about those of the other guy.”

But unlike Machs and narcissists, psychopaths feel virtually no anxiety. Fears seems unknown to them... They seem immune to stress, remaining calm in situations that would make many other people panic. The apprehension in psychopaths has been found repeatedly in experiments where people wait to receive an electric shock. Ordinarily, people waiting to be shocked show high levels of sweating and a quickened heart rate, autonomic indicators of anxiety. But psychopaths do not.

This coolheadedness means that psychopaths can be dangerous in ways rarely seen in Machs or narcissists. Because psychopaths feel no anticipatory fears, staying utterly calm under even the most intense pressure, they are virtually oblivious to the threat of

punishment This indifference to consequences that keep other law-abiding makes psychopaths the most likely candidates for prison among the Dark Triad.

When it comes to empathy, psychopaths have none, they have special difficulty recognizing fear or sadness on people's faces or in their voices. A brain imaging study with a group of criminal psychopaths suggests a deficit in circuitry centering on the amygdala, within the brain module essential for reading this particular range of emotions, and deficits in the prefrontal area that inhibits impulse.

Looping ordinarily makes people feel within themselves the distress that another person expresses, but psychopaths fail to resonate in this way: their neural wiring deadens them to the range of emotions in the spectrum of suffering. Psychopaths' cruelty appears truly "unfeeling" because they are literally numb in the face of distress, lacking the very radar for detecting human agony."

Like Machs, psychopaths can be adept at social cognition, learning to get inside someone's head to surmise their thoughts and feelings so they can "push all the right buttons." They can be socially smooth, believing that "even when others are upset with me, I can usually win them over with my charm." Some criminal psychopaths make a point of reading self-help books to better learn how to manipulate their targets—something like a "paint-by-numbers" approach to getting what they want.

Some people now use the term "successful psychopaths" for those who have been involved in theft, drug dealing, violence crimes, and the like but have never been convicted or arrested for those acts. Their criminality, in combination with that classic pattern of glib superficial charm, pathological lying, and a history of impulsivity, earns them the status of psychopath. They are "successful," this theory holds, because although they have the same reckless tendencies as other psychopaths, they react more anxiously to anticipated threats. Their greater apprehension leads to a bit of caution, which makes them less likely to end up in prison....

Moral Prods

...Social emotions presuppose the presence of empathy to sense how our behavior will be experienced by others. They act as inner police, keeping what we do and say in line with the interpersonal harmony of a given situation. Pride is a social emotion because it encourages us to do what others will laud, while shame and guilt keep us in line by serving as internal punishments for social misdemeanors.

Embarrassment, of course, is triggered when we violate some social convention, whether by being too intimate, by lacking poise, or by doing or saying the "wrong" thing. Thus the mortification of a gentleman who gave an unsparing critique of an actress's performance to a man he'd just met at a party, only to learn that the actress was the man's wife...

Social emotions operate as a de facto moral compass. We feel shame, for instance, when others become aware of a wrong we have done. When we feel guilt, on the other hand, it

stays private, arising as the feeling of remorse when we realize we have done something amiss. Guilty feelings can sometimes spur people to rectify their wrongs, while shame more often leads to defensiveness. Shame anticipates social rejection, while guilt may lead to atonement. Shame anticipates social rejection, while guilt may lead to atonement. Shame and guilt together ordinarily operate to constrain immoral activities.

But with the Dark Triad these emotions lose their moral power. Narcissists are driven by pride and fear of shame, but they feel little guilt for their self-centered acts. Machs, too, fail to develop a sense of guilt. Guilt requires empathy, which the Mach's emotionally distant relationships lack. And shame stirs for Machs only in a stunted form.

The psychopath's backwardness in moral development stems from a slightly different set of lapses in social emotions. In the absence of both guilt and apprehension, potential punishments lose their power to deter—an explosively dangerous situation in combination with the psychopath's utter lack of empathy with another person's distress. Worse, even if their own actions are the cause of that distress, they feel neither remorse nor shame.

As seen in Goleman's analysis above, one of the effective ways in which societies "control" their member's behavior is through shame—and the power of shame (as opposed to violations of economic interests/property rights by authorities and the courts). In fact, the commonality that the three major religions have is the manner in which women (with assistance from the clergy) use shame to control husbands and children – versus the men's utilization of economic deprivation (with assistance from the clergy) to control wives and children. From a sociological perspective it is important to understand the link between women and religious actors in the community and how their social interactions and "shaming tactics" have been used to counter the excesses of men with the economic and/or political interests. While we generally think of shaming tactics in a negative context (and it is admittedly, used extensively by abusive husbands and his allies in silencing victims), shaming does have some positive influences in a society.

Shaming is, and has been, consistently used throughout history to instill a "moral compass" into societies—with the three major religions (Catholic, Jewish, and Muslim) particularly adept at controlling and manipulating populations with shaming tactics. This is also why guilt has been indoctrinated into the religious teachings, as well as socialized into our young from a very early age. If the young are not instilled with a very strong and deep sense of guilt, then shaming tactics will not be effective in controlling those people later in life. In fact, much of the political process in a democracy involves the public shaming of government officials and the ruling-elite by journalists, citizens, whistle-blowers, activists, lobbyists, interest groups, etc. **And, as Faludi explains in *Backlash*, whoever controls the language and dialogue, also controls the political process.**

... "For twenty years, the most important battle in the civil rights field has been for control of the language," Mandate for Leadership II asserted especially, such words as "equality" and "opportunity." The secret to victory, whether in court or in congress, has been to control the definition of these terms." By relabeling the terms of the debate over equality, they discovered, they might verbally finesse their way into command. By

switching the lines of power through a sort of semantic reversal, they might pull off a coup by euphemism. And in this case, words would speak louder than actions.

The failure of feminists' movements across the globe to integrate a comprehensive ideological platform for *homemakers'* rights at par with platforms which defend the rights of women within the work-place and community is responsible for a lack of an ideological *defense* and debate surrounding the *discriminatory gender-equal* norms in *family courts*. In order to combat *social conservatism* in all its forms, control of the dialogue must be taken back from the *right*, who surreptitious high-jacked the debate during the Reagan Era. In order for non-discriminatory legislation and policies to be properly integrated and implemented in a substantive manner, it is imperative that women's rights advocacy and lobbying group integrate a political platform which embraces women's rights within the home and marriage, along with in-roads made in terms of women's rights within the work-place and community. At present, the situation—by promoting an exclusively *women's rights in the work-place agenda*—is exacerbating the work overload and oppression of women who work outside the home, as much as inside the home.

The failure to have developed a **political platform which integrates women's rights within the work-place, in conjunction with the home, has not only exacerbated the situation for women everywhere, but has also exacerbated discrimination against women by legal communities**. For example, as already stated, for over five years I have been attempting to challenge the State Department. And, while everyone agrees that, legally, I am totally correct in my argumentation—and that the State Department is wrong, and violating US federal law—unless I can produce hundreds of thousands (or millions) of dollars for legal (or lobbying) fees, no one will initiate any kind of proceedings against the US State Department. (And, every law firm in DC has a *pro bono* department). Meanwhile thousands of American women and children living abroad continue to suffer unending pain and torture—due to the apathy of the American government and American legal community. In my lobbying of other governments (in regards to trans-national cases involving non-Americans), I have found this same type of apathy and inaction of public officials and legal communities. It should be noted that transnational domestic violence cases highlight the discriminatory nature of government's policies. While governments and lawyers are refusing to defend the rights of women victims of violence, they are willing to use their energy and resources to defend the rights of fifty-four male foreign nationals found guilty of viciously raping and murdering women (*Avena, Mexico vs. USA*¹⁵). The double-standards, and discriminatory nature in the reclamation of the right of *consular notification* in this case clearly discriminatory.

(It should be noted in terms of discrimination against women and the right of *consular notification* there exist the widely publicized case of Amanda Knox. Her case should have been dismissed from the beginning as her original detention and questioningⁱ violated her right to *consular notification*. If the American Consulate in Italy had complied with their obligation to

¹⁵ <http://www.haguejusticeportal.net/index.php?id=6186>

defend the rights of Ms. Knox in a foreign jurisdiction, not only would she have been spared four years of torture and incarceration, but it would have save the Knox family thousands, if not millions of dollars in legal fees. The failure of the American Embassy in Italy to have defended this woman's rights is clearly discriminatory, given the jurisprudence of *Avena, Mexico vs. USA*, and Under-Secretary of State Patrick Kennedy's¹⁶ very vocal "defense" of *consular notification*. In my own case, I was harassed and illegally arrested by four law-enforcement officials who waylaid me outside my home in Spain. I immediately requested the presence of a lawyer and *consular notification* of the American and French Embassy. For resisting, I was then charged with a second criminal offense (for *rebellion*) and taken into custody. After several hours of detention and harassment, I was provided a lawyer, but still refused *consular notification*. My consulates have continually refused me, a woman, the *consular assistance* that I request, and that is my right as American and French citizens. Please note that while I contest the legality of the arrest in question, I do not contest the Spanish government's charge of *rebellion* in my case. In fact, my case is, and has been, all about my *Rebellion*, and my *Right to Rebel* against the tyranny not only of my ex-husband and his family, but the tyranny of the Spanish, American, and French governments in their negligence in upholding the law.)

The manner in which decades of social conservatism, has been, and is, responsible for maintaining discrimination against, and oppression of, women is not being properly understood, and therefore, simply not examined or addressed in the academic and scholarly literature surrounding the issues. In examination of the socially conservative rhetoric and ideologies, it is clear that they all seek to deflect attention away from the abuses of power, and instead direct attention towards the victim—most often through victim blaming and/or character assassination. This is where the biases and stereotyping of those examining the issues (or cases), and their inability to remain objective, becomes crucial in the process—and why an advocacy process that integrates the woman's or victim's perspective (thereby challenging the underlying biases and stereotypes) into the matrix is absolutely essential.

One of the vital components of this process (and where from a sociological perspective, the possibility of social mobility within rigid-hierarchies exist), is the *culture context* which is created by social networks that are at constant interaction amongst the political, social and economic interests of the society. It is important to examine not only the social networking which occurs within each class, but also between classes (upper and upper-middle, upper-middle and middle, middle and lower-middle, lower-middle and lower, and every variation in between), and how this inter-action affords exchange of ideas and dialogue between these classes, as well as the minorities within these classes. It should be noted that *minorities* exist within continuums based on many variables and should not been seen as static, closed groups, but rather groups which inter-action in adversarial, as well as cooperative manners. The key for successful

¹⁶ <http://travel.state.gov/content/travel/en/about/speeches-testimonies/Fulfilling-Our-Treaty-Obligations-and-Protecting-Americans-Abroad.html>

globalization is to promote and maximize cooperative interaction and minimize adversarial interaction—something unattainable without strong, ethical and transparent courts.

One of the primordial challenges which faces the world at present is the void created by the disempowerment of organized religion, coupled with the migration of women from the *home* to the *labor-force*. The daily tasks that religious actors and homemakers did, and do, (for no financial remuneration) in traditional societies provides a cohesion and moral direction for the entire community, in spiritual as well as secular pursuits. As societies progress on the socio-economic model of *development*, the daily tasks (and goods and services produced) of these actors are increasingly supplied by the remunerated work-force.

While many of the goods and services produced are low-paying jobs such as childcare food-preparation, and hygiene-related, some are high-paying positions within the corporate world (profit and non-profit). These posts are now filled by what were formally upper-middle class *corporate wives*, but who now, like their male-counterparts, lack a *corporate wife* at *home* to assist them. One of the many functions that former *corporate wives* did, and which has been transferred to corporations, is social networking (online and offline).

However, since these functions are being done within enclosed, internal environments, there is a lack of cohesion between the various players, entities, and organizations within the private, as much as the public sector. Much of this cohesion was previously provided by the upper- and upper-middle class full-time homemakers (*trophy-wives*), whose job (apart from childcare, cleaning and cooking) entails much social-networking for executive husband's eager to climb the corporate ladder—with more sophisticated social skills necessary the high up the corporate ladder one climbs.

While scholarly literature speaks of diplomas and similar “marriage assets” that *breadwinners* bring to the partnership, very little is said about how women's *social skills* assist in developing the *academic skills* of husbands once he is in the work-force. With women moving into the workplace *en masse*, and corporate executives no-longer necessarily having the luxury of *trophy-wives* to do their bidding, the functions previously carried out by upper- and upper-middle class homemakers is now being filled within corporate structures and the global mobility industry. It is in part due to the disappearance and lack of the services provided by these women, or *beta cohesion* in societies, that *think tanks*¹⁷ and lobbying groups (Schultze, et al.) took on a more

¹⁷ Think tanks are organizations that, as a minimum, provide resources so that experts, public intellectuals and academics can deal with, and write about, political and/or public policy issues. Worldwide, think tanks vary in size, funding, specialization, institutional mission etc. Applying a generous definition of 'think tank', the World Bank estimates that 3000 institutes operate in the world today – more than a third of which are located in North America. In the United States alone, some directories have counted 1200 think tanks, if one includes university-based institutes and governmental research organizations (see Hellebust 1996). If one excludes most of the latter two, the number decreases to 300-400. Canada is home to more than 50 think tanks, if one follows a generous definition and perhaps a little more than 30, if the narrower U.S. definition applies. (see McGann/Weaver 2000, Abelson 2002)... The first wave of think tanks that emerged in the first part of the 20th century were academic think tanks, which engaged in policy research and in applied basic research. A first group of academic think tanks were created by government, but were working independently within public sector guidelines. This type of academic think tank is very common in continental Europe, in Asia and in parts of Africa, but less significant in the United States and marginally more significant in Canada.... Outside the United States and to a lesser degree within the United States, think tanks are sometimes affiliated with universities. However, they differ from pure academia in that research the research that is conducted is channeled towards certain fairly specific purposes and to identifiable audiences....The second wave of think tanks which emerged largely between World War II and the late 1970s are contract research institutes. They conduct technocratic research based on government contracts. ...The third wave of institutes, with a few exceptions emerging after 1970 are the so-called advocacy think tanks. Think tanks of this type do not restrict their activities to seemingly objective scientific

prominent role in developing political ideologies and platforms in the '70s –with these structures growing in size and strength each decade. At present in Washington, DC, there is an overabundance of *think tanks* and *lobbying groups* pushing right-wing ideologies and agendas, with all too few pushing left-wing ideologies and agendas.

Washington and Wall Street: Strange Bed-fellows (Leibovich and Taibbi)

Additionally, *think tanks* and *lobbying firms* have become *la mode* in Washington, with *right-wing* lawyers all too willing to provide the necessary jurisprudence within the courts to push *right-wing extremism* to the forefront in the USA, and globally. Yet, it is impossible to find *left-wing* lawyers in *This Town* who will further an agenda for the *left*—particularly if said jurisprudence would advance or defend the rights of women and children within the home and family. **This is simply an issue that no one care about because it involves millions of lives, rather than millions of dollars.** The state of affairs in Washington, and Wall Street (which are one in the same at present) is described in *This Town* by New York Times journalist, Mark Leibovich,

...Washington—This Town—might be loathed from every corner of the nation, yet these are fun and busy days at this nexus of big politics, big money, big media, and big vanity. There are no Democrats and Republicans anymore in the nation's capital, just millionaires. That is the grubby secret of the place in the twenty-first century. You will always have lunch in This Town again. No matter how many elections you lose, apologies you make, or scandals you endure.

In This Town, Mark Leibovich, chief national correspondent for The New York Times Magazine, presents a blistering, stunning—and often hysterically funny—examination of our ruling class's incestuous “media industrial complex.” Through his eyes, we discover how the funeral for a beloved newsman becomes the social event of the year. How political research are fetishized for their ability to get their names into the predawn e-mail sent out by the city's most powerful and puzzled-over journalist. How a disgraced Hill aide can overcome ignominy and maybe emerge with a more potent “brand” than many elected members of Congress. And how an administration bent on “changing Washington” can be sucked into the ways of This Town with the same ease with which Tea Party insurgents can, once elected, settle into it like a warm bath.

research, but see themselves primarily as advocates for specific solutions to public policy problems or for their own political worldview. Some of these institutes are organizationally bound to special interests like business federations, trade unions, religious organizations or environmental groups, but others are more independent and advocate a certain paradigm or a guiding idea. Most of the conservative and libertarian think tanks in the United States and Canada belong to this category. Together with their counterparts on the centre-left these organizations aim to shape public opinion and government policy over a wide range of issues so as to advance the political worldviews and approaches to public policy making, which are supported by their members and donors. The fourth wave of think tanks is perhaps the most heterogeneous: think tanks with a purely regional focus, think tanks affiliated with a political party and so-called 'legacy institutes', which are devoted to the legacy of an important individual. Unlike in Europe, party think tanks are virtually unknown in the U.S. and in Canada. Most conservative think tanks keep a strict organizational and financial distance even to the parties, which are friendly to their cause. The importance of regional think tanks for conservatism - some of them legacy institutes - will become evident in the following section. “Conservative Think Tanks in the United States and Canada” in: Rainer-Olaf Schultze, Roland Sturm, Dagmar Eberle (Hrsg.): Conservative Parties and Right-Wing Politics in North America, Opladen: Leske und Budrich 2003, 229-254. (http://www.gesellschaftsberatung.info/pdf/thunert_thinktanks_usa.pdf), p. 1-3.

Outrageous, fascinating, and destined to win Leibovich a whole host of, er, new friends, This Town is must reading, whether you're inside the Beltway—or just trying to get there.

Journalist Matt Taibbi adds further insight into the political and financial back-drop of the matrix in *Griftopia*,

The financial crisis that exploded in 2008 isn't past but prologue. The stunning rise, fall, and rescue of Wall Street in the bubble-and-bailout era was the coming-out party for the network of looters who sit at the nexus of American political and economic power. The grafter class—made up of the largest players in the financial industry and the politicians who do their bidding—has been growing in power for a generation, transferring wealth upward through increasingly complex financial mechanisms and political maneuvers. The crisis was only one terrifying manifestation of how they've hijacked America's political and economic life.

Rolling Stone's Matt Taibbi here unravels the whole fiendish story, digging beyond the headlines to get into deeper roots and wider implications of the rise of the grifters. He traces the movement's origins to the cult of Ayn Rand and her most influential—and possibly weirdest—acolyte, Alan Greenspan, and offers fresh reporting on the backroom deals that decided the winners and losers in the government bailouts. He uncovers the hidden commodities bubble that transferred billions of dollars to Wall Street while creating food shortages around the world, and he shows how finance dominates politics, from the story of investment bankers auctioning off America's infrastructure to an inside account of the high-stakes battle for health-care reform—a battle the true reformers lost. Finally, he tells the story of Goldman Sachs, the “vampire squid wrapped around the face of humanity.”

Taibbi has combined deep sources, trailblazing reportage, and provocative analysis to create the most lucid, emotionally galvanizing, and scathingly funny account yet written of the ongoing political and financial crisis in America. This is essential reading for anyone who wants to understand the labyrinthine inner workings of politics and finance in this country, and the profound consequences for us all.

The absolute chaos that has been created by four decades of right-wing ideologies being pushed to the forefront by corporations, politicians, mainstream media, journalists, and even the general public is unsustainable—and why random acts of violence around the world are escalating. Then to aggravate the situation even more, these actors are inundating the Internet and social media outlets with mass-produced social media campaigns that are more geared to propagating Western extremist propaganda, than disseminating fact or knowledge. Digital media at present is filled with so much misinformation, and is a literal waste-land for social conservatism to proliferate their *right-wing* and *extremism* rhetoric—something that they are doing with *gusto*. Once again, the lack of transparency, accountability, integrity, governance (and corruption in the courts) is permitting chaos in what is being distributed to the masses on the Internet, and is a recipe for disaster. The problem is further aggravated by the fact that the Internet industry is dominated by technology, “techies,” and a magic-wand mentality that THE solution always lay in new technological innovation. This is yet another paradigm which must change if *People* are to be put

at the forefront of Ffd and SDGs as planned. Silicon Valley and the start-up world in general is dominated by the same *churn-the-account, con-artist* mentality that has dominated Wall Street and the global financial community for decades. As Scott A. Shane reports in his book *The Illusion of Entrepreneurship*,

In truth, many entrepreneurs don't conduct feasibility studies or engage in any systematic evaluation, and many of them do not compare multiple ideas in hope of finding the best one...27.8 percent of business founders never consider any opportunities other than the one they eventually pursue... In other words, 4 in 10 entrepreneurs start a company before they have a business idea. That is, they invest some of their money, set up a new legal entity, scope out a location, and so on before they know what opportunity business will pursue.(p.71)

This chaotic, and even anarchical state, at present within the political and economic arena has many origins and if considered over several centuries could be discounted by social conservatist as nothing more than part of global cyclical economic upturns-and-downturns, and political pendulum swinging from right-to-left. However, to accept this viewpoint would be to close one's eyes to the gravity of the situation, not only from a humanitarian perspective, but from an economic, legal, and **perhaps above all from a moral perspective.**

As previously stated, women, along with religious leaders, have habitually been the *moral compass* of societies, and social orders. Through their formal, and informal networks, these two groups have traditionally served to balance the interests, rights, and responsibilities of the various groups, or *private* community, against the economic and political interests of the *public* community. This is where the true base of the *private* vs. *public* rights debate originated—and **remains today.** However, the position that a state cannot *intervene* in the home or marriage has no ideological or legal validity. **When a democracy moves the *dissolution of marriage* from the church to the state, from a legal standpoint they have already accepted jurisdiction of all private rights within the family.** The fact that they then wish to “pick and choose” which private rights they will “accept under their jurisdiction” is clearly discriminatory.

Therefore, their argumentation that governments cannot “interfere” in “family matters” due to “private rights issues” lacks any kind of legal or ideological validity—they are already doing so. (“The horse is already out of the barn,” so to speak.) Granted, family courts can no more intervene in the daily squabbling of husbands and wives (ie. children attending a futbol game on a school night for example), any more than they could intervene in every daily working of any workplace (ie. Scheduling and sharing conference rooms between departments). However, just as in the case of the workplace—if a crime is committed (sexual molestation, violence, fraud, etc.)—then the courts do have the right, and the obligation, to intervene.

The underlying issue here is not the private vs. public rights issue, but who is defining what constitutes *private rights* for men and what constitutes *private rights* for women—and the fact that they are not one in the same. For example, in the case of domestic violence, public officials contend that they cannot become involved in private matters of the family under private rights argumentation. However, the crux of their argumentation is that it is more important to protect

the *private right* of the man “to break whatever he wants because he owns it—even his wife and children” (property rights), than to protect the *private right* of women and children to “life, liberty and the pursuit of happiness” (constitutional and human rights)—is clearly discriminatory. And, even the basic assumption that a man can “break” his wife and children because they are “his,” constitutes legal ownership of his spouse and offspring and is discriminatory—and it is in gross violation of international human rights norms. **What is questionable in this paradigm is the immorality of the underlying assumptions, rather than any ideological concept that merits any kind of intelligent debate.**

Additionally, it should be noted that even though no-fault divorce is the legal norm in most family courts at present, *family law* has become such *big business* (apx. \$150 billion usd, globally)¹⁸ that the violation of rights of clients and citizens is a daily occurrence. The level of professional negligence and criminal malpractice that is committed by lawyers, mediators, psycho-social teams, etc. in the interest of profit, and at times illegal gain, is at crisis proportions in countries across the globe. The failure, and refusal, of governments to assure accountability and transparency within the various professions (and professionals) that service the *divorce industry* elevates the culpability of implicated public authorities as well as implicated governments.

With divorce rates in *developed societies* hovering at 50%; no-fault divorce the trend in these countries; and victims of domestic violence being forced towards family courts, the unchecked greed and corruption within family courts is the principle reasons that the courts are re-victimizing victims¹⁹. One of the principle reasons that judicial actors are so miserably failing to protect the rights of victims of violence (as well as the citizenry in general), is their singular focus on for-profit objectives—which often, as seen in the case presented here, violate the law. What governments are claiming to be “judicial error” (as seen in the defense of the Spanish government in *Gonzalez Carreno vs. Spain*), and thereby beyond the purview of the state, is in fact nothing more than collusion to the rampant negligence and greed within judicial systems. The crises in societies are as much within our courts, as within our homes, and government institutions.

As Robert Reich, former Secretary of Labor under the Clinton administration states,

¹⁸ Documentary Divorce Corp. - <http://www.divorcecorp.com/the-film/> - More money flows through the family courts, and into the hands of courthouse insiders, than in all other court systems in America combined – over \$50 billion a year and growing. Through extensive research and interviews with the nation's top divorce lawyers, mediators, judges, politicians, litigants and journalists, DIVORCE CORP. uncovers how children are torn from their homes, unlicensed custody evaluators extort money, and abusive judges play god with people's lives while enriching their friends. This explosive documentary reveals the family courts as unregulated, extra-constitutional fiefdoms. Rather than assist victims of domestic crimes, these courts often precipitate them. And rather than help parents and children move on, as they are mandated to do, these courts - and their associates - drag out cases for years, sometimes decades, ultimately resulting in a rash of social ills, including home foreclosure, bankruptcy, suicide and violence. Solutions to the crisis are sought out in countries where divorce is handled in a more holistic manner. (Estimate for \$150 billion global divorce industry is a rough estimated, calculated on an apx. double population of Europe and Australia, and assumes all other variables constant).

¹⁹ Victims of domestic violence are given little other advice and assistance other than domestic violence shelter and some emotional support on occasions. For poor immigrant populations some free legal services exists, but they service a small population with limited services. And systems are geared (and over-burdened) more towards servicing the most extreme cases of physical and sexual violence. Mainstream psychiatry and psychology only offer tranquilizers for victims of domestic violence, some due to lack of training in domestic violence and others for all of the various social reasons people in the community side with abusers (see Lundy Bancroft). Victims literally have no option but to leave abusers, and risk-it-all, or survive as best she can in the home with the abuser with no protection from the law, family, or community. As stated by Karen Winner in *Divorced from Justice*, for many women the route from the courthouse is a steep downhill path into trauma, unnecessary loss, and financial decline...But the phenomenon of women abused by the system is very real, and the statistics cited above give a good indication of the extent of then problem. Women who interact with the legal system for their divorces can face any number of minefields. This is not just the result of the system's passive failure...the system itself becomes an actual trap, subjecting women to all sorts of legal, financial, and emotional abuse. As authors of the national study *Our Turn: Women Who Triumph in the Face of Divorce* point out, the woman has to fight not only her husband but the entire adversarial legal system, which is male-dominated and geared toward the way men think and act—like the warriors of the species... In this legal battle, ironically, some husbands are willing to spend more in legal fees than the actual amount they are fighting over. (p.11-12.)

We're still legislating and regulating private morality, while at the same time ignoring the much larger crisis of public morality... The morality brigade worries about fetuses, but not what happens to children after they're born... Conservative moralists don't want women to have control over their bodies or same-sex couples to marry, but they don't give a hoot about billionaires taking over our democracy for personal gain or big bankers taking over our economy. Yet these violations of public morality are far more dangerous to our society because they undermine the public trust that's essential to both our democracy and economy... Among the worst violators of public morality have been executives and traders on Wall Street.... Lobbyists for the giant banks have been systematically taking the teeth out of Dodd-Frank, leaving nothing but the gums. The so-called "Volcker Rule," intended to prevent the banks from making risky bets with federally-insured commercial deposits – itself a watered-down version of the old Glass-Steagall Act – still hasn't seen the light of day.....”²⁰

At present, an international perspective towards the issues *s'oblige* a more holistic view-point from leadership around the world. At present, the world is more highly educated than any other time in history, technologically speaking we can share and distribute information at the speed of light, yet in terms of leaders and experts understanding how the world functions we are living in a *Techy Dark Age*. All of the necessary information and technology that we need to feed, shelter and cloth the planet (without destroying it ecologically), but there is a lack of those in power to understand how this information can be applied to real life situations, and less how to implement new laws into the actions (and omission of actions) of civil servants, bureaucrats, and the different professionals that service the public. Many at the very top understand the concepts and theories, but it is middle-management, and the administrative function, which appears to be lacking in the implementation of not only new laws, but procedures and standards for assuring governance.

There are organizations across the globe that are examining and working on these various challenges—challenges highlighted in the IMF/World Bank 2015 Annual Meetings,²¹ with youtube video conferences from around the world re-iterating and re-iterating the same rhetoric and ideas. However, few of the leaders and dignitaries seem to have a grasp of how all of these ideas and networks can, and must, come together—a big picture view—of what is, and therefore in what direction the world must move. Few seem to appreciate the importance of completely understanding our past, how it has shaped our present, and therefore how to proceed forward in a manner that will include a holistic, real gender-equal approach to *women's rights within the home and work-place* (as well as attack the the other pressing issues that plague our planet). As Winston Churchill stated so eloquently,

²⁰ <http://robertreich.org/post/46277315334> - The Morality Brigade – 3/25/13

²¹ <http://www.imf.org/external/AM/2015/>

*When the situation was manageable it was neglected, and now that it is thoroughly out of hand we apply too late the remedies which then might have effected a cure. There is nothing new in the story. It is as old as the sibylline books. It falls into that long, dismal catalogue of the fruitlessness of experience and the confirmed unteachability of mankind. Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong—these are the features which constitute the endless repetition of history.*²²

As seen above, the *private* and *public* spheres of society worked (often together) to balance, and counter-balance, the economic interests, with the conflicting social interests of the society—at admittedly different level of “humanity” within a historical, and geo-political perspective. Regardless of their effectiveness against human rights standards of today, the influence these two groups exercised in maintaining a certain “balance” in societies for centuries should not be underestimated. And, if one examines the decline of civilizations and societies in the past, their decline is always accompanied by, if not caused by, a decay in the morality of the *status quo*, and thereby its ability to self-govern—noting that historically the general trend of societies is towards a more just, and less violent, world. (But, it is our ability to destroy ourselves and this planet which obligates humankind to take extra-ordinary efforts to accelerate the process at present.)

While men have traditionally wielded much of the economic power within this matrix, **women and religion wielded much of the social power**. These were the people who “ran” the social networks of society—as much towards philanthropic goals (as was their official purpose) as well as their own economic and political interests (through unofficial channels and networks). With globalization, the advent of Internet, and networking platforms such as Facebook and LinkedIn, the power that *networks* and *networking* has on a society is just beginning to be examined, as well as appreciated as a social force. Additionally, the advent of online social and professional networks, has for the first time in the history, produced the very real possibility of unrestricted distribution of information. While granted “unrestricted” means that much misinformation will be distributed (as is the case at present). However, in terms of the democratic process, nationally as well as globally, “unrestricted flow of information” allows for transparency and accountability of government officials, and even everyday citizens.

The Internet, and social media platforms such as Facebook have aggregated, made public, and provided documentation of social behavior such as bullying, gossiping, character assassinations, etc.—with victims of domestic abuse, re-victimized by legal abuse literally flooding the Internet with documentation of rampant corruption and cover-ups within, and by, family courts around

²² House of Commons, 2 May 1935, after the Stresa Conference, in which Britain, France and Italy agreed—futilely—to maintain the independence of Austria. (My book* page 490)

the globe. Many of these women are being given gag orders by the courts, with the courts particularly merciless in their incarceration of women who do not abide by these gag orders.

And, since mainstream media is controlled by the *status quo* (and *social conservatives*) they are simply not covering the rampant human rights violations within the courts. I have been pressing journalists to cover the illegal refusal of the US Department of State to defend the rights and interests of American women and children residing abroad (in violation of US federal and international law) for over five years now (and maintain blogs on [Huffington Post](http://www.huffingtonpost.com/quenby-wilcox-/)²³ and [Womenalia](http://www.womenalia.com/us/blogs/author/cd4f59313f385e8b7fbcaf47ad121327)²⁴ to this end), to no avail. Not only have journalist not covered the plight of these women and children (noting that ~68% of international child abduction cases are women and children fleeing domestic abuse and the failure of the courts to protect them),²⁵ but they are covering stories about the “plight of the left-behind dad” (who represents ~32% of the cases). In fact, I was in contact with a journalist in 2010 with regarding my own case and research on the plight of American victims of domestic abuse living abroad, but a year later ABC,²⁶ instead of covering the plight of women and children (the majority of cases), they covered the plight of the *left-behind-father* (the minority of cases) focusing on Japan. It is worth noting in terms of propaganda in mainstream media, this story was redistributed across other mainstream media channels during a time that the American government was pressuring the Japanese government to sign *The Hague Convention on International Child Abduction*—which they eventually did after many years of pressure from the American government in 2014.

The fact that women and religious actors were non-remunerated workers within the social networks (while making them more vulnerable to oppression and abuses of power), liberated them from conflict of interest issues in promoting the social (vis-à-vis the economic) interests of the society—at least in theory. Of course, the resulting structure was based on an idealized view of the family and its members (e.g. benevolent patriarch, submissive but contented wife, and angelique children), but hardly the reality of life today, or anytime in the history of mankind. And, this is why traditional economic theories and models fail in practice; they fail to factor in the *dysfunctionalities* of our societies and its members, as demonstrated by Akerlof and Shiller in *Pshishing for Phools* below.

²³ <http://www.huffingtonpost.com/quenby-wilcox-/>

²⁴ <http://www.womenalia.com/us/blogs/author/cd4f59313f385e8b7fbcaf47ad121327>

²⁵ Nigel v. Lowe & Katarina Horosova, *The Operation of the 1980 Hague Abduction Convention—A Global View*, 41 Fam. L.Q. 59, 67 (2007); See also Final Report, supra note 2, at 4 (stating that “empirical research confirms that 68 to 69 percent of „taking persons” are now mothers, not fathers.”). “One study concluded that approximately one-third of all published and unpublished U.S. Hague proceedings involved some type of violence within the home (Sudha Shetty & Jeffrey L. Edleson, *Adult Domestic Violence in Cases of International Parental Child Abduction*, 11 VIOLENCE AGAINST WOMEN 115, 120 (2005); See also Weiner, *Transnational Litigation*, supra note 5, 765 (“Seven of the nine cases that reached the United States Courts of Appeals between July 2000 and January 2001, for example, involved an abductor alleging that she was a victim of domestic violence.”) Another study suggests that in at least half of the parental abduction cases, violence was a “relevant presence in the parental relationship.” (3 Kaye, supra note 10, at 193 (stating that “[v]iolence against women is a notable risk marker for parental abduction.”)) (citing Geoffrey Greif & Rebecca Hegar, *When Parents Kidnap: The Families Behind the Scenes* 45 (Free Press 1993)). Greif and Hegar’s book on parental kidnapping provides important insight about the frequency of domestic violence in cases of abduction. Greif and Hegar conducted a survey of 368 parents in forty-five states and six countries. It is one of the most cited in abduction literature. Overall, the study found that the majority of the marriages in which abductions occurred involved spousal domestic violence (54% to be exact). Final Report, supra note 2, at 22

²⁶ Courtney Yager and Abbie Boudreau at CNN contacted me in September 2010, but Abbie Boudreau moved to ABC where the story was eventually aired and published.

For thousands of years this is basically how societies have been structured, with variations in cultural and religious contexts over the centuries clouding many of the issues. However, another commonality that can be observed in the past century (or centuries, if seen on a continuum), is the influence organized religion has played in societies. Organized religion is, and has, played a decreasing role in the lives of mainstream populations, with more and more religions (by necessity and design) catering to the extremist groups amongst their flocks. The *opiate of the masses* of mainstream societies today are the shopping malls, the amusement centers, and the casinos/gaming-industry, with extremism festering underneath due to the fact that socio-economic issues and problems are expeditiously ignored by governments and mainstream media. Under this modern-day *democratic-feudalism*, tax collector (rather than church coffer), have become the *gatekeepers* to ethics and values, and are now the *moral compass* of these society. Unfortunately, rampant greed and corruption, fueled by over three decades of social conservatism, has created the same dynamics as seen time and time again in the past.

So examined under this context, by transforming the goods and services that women and organized religion performed in societies (for no direct remuneration), into for-profit services (e.g. food preparation, family-hygiene, care-giving, counseling, social work, socialization and education of children and young adults, etc.), the providers are now placed in conflict of interest situations – a situation which was avoided under the old structure.

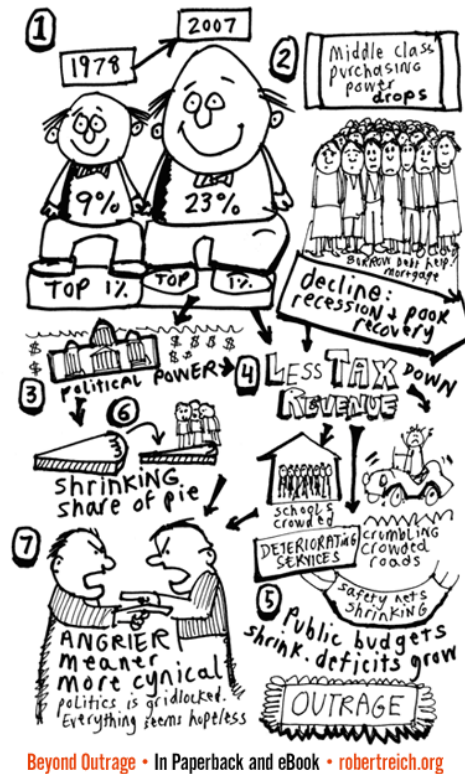
While admittedly, and decidedly, **what societies must NOT do, is return to rigid-hierarchies and “family values” of the past. A “return to the past” is exactly what forces within social conservatism are attempting to do through propaganda, psychotic manipulations, criminal activity, bullying, intimidations, terrorism... the tactics are unending.** As explained in “Conservative Think Tanks in the United States and Canada,” think tanks and lobbying groups in the USA and Canada have been promoting social conservatism (unregulated markets, limited government, religion, patriarchal family values, and a strong defense)²⁷ⁱⁱ for decades, with very little effective resistance from the political *left*. However, what is often missed in the analysis of governments and public-policies which promote a hedonistic type *individualism*, (as opposed to a cooperative type *individualism*) is to what extent those policies support and encourage mass-consumption, excess debt, and socially irresponsible societies. Within this matrix a disproportionate amount of consumer-spending goes for *luxury* items, with the masses unable to cover bare-necessities, with everyone oppressively indebted by “Spend! Spend!” propaganda from the public and private sector (e.g. unethical corporate practices, unethical banking practices, unethical media (propaganda) campaigns, unethical lobbying, unethical governments, etc.).

²⁷...a think tank may be labelled ‘conservative’ or ‘right-of-centre’, if it promotes a combination of at least two of the following issues and concepts: the free market system (including low taxes, privatisation and deregulation), limited government, individual liberties and values, and/or strong religious expression, traditional family values, and a strong defence. In contrast, a think tank may be labelled ‘left-of-centre’ (or ‘liberal’ in the American terminology), if it promotes state interventionism in the name of reducing inequalities and to ensure social justice, if it embraces strong collectivist and communal values and advocates a lower spending on defence and national security. Think tanks may be labelled ‘centrist’ if they display no identifiable ideology or worldview. “Conservative Think Tanks in the United States and Canada” in: Rainer-Olaf Schultze, Roland Sturm, Dagmar Eberle (Hrsg.): Conservative Parties and Right-Wing Politics in North America, Opladen: Leske und Budrich 2003, p.1. (http://www.gesellschaftsberatung.info/pdf/thunert_thinktanks_usa.pdf)

(When I returned to Washington, DC in February 2009, I was shocked to hear the newly-elected President Obama telling the American public to “Spend! Spend! Spend!” While this might be an effective public-policy in the short-term as it spikes statistical data in favor of the incumbent administration, it was, and is not, an effective public-policy in the long-term—and is exactly the type of rhetoric, and policies, which have helped to create the global economic crisis in the first place.)

The present *state of affairs* in the world parallels the greed and corruption seen by the Spanish conquistadors, the British colonialist, or the “let them eat cake” mentality of the courts Louis XVI—and history has repeatedly shown these to be unsustainable and self-destructive situations. However, in the current situation it is not just a few millions of dead and wounded, but the very survival of the planet and the human race, that is at stake. Robert Reich,²⁸ former Secretary of Labor under Clinton, provides an example of the “let them eat cake” *state of affairs* in the USA in a charactercher for his soon-to-be published book, *Inequality for All*—but this scenario is being repeated in too many countries around the world to lesser or greater degrees.

²⁸ ROBERT B. REICH is Chancellor’s Professor of Public Policy at the University of California at Berkeley and Senior Fellow at the Blum Center for Developing Economies. He served as Secretary of Labor in the Clinton administration, for which Time Magazine named him one of the ten most effective cabinet secretaries of the twentieth century. He has written fourteen books, including the best sellers “Aftershock,” “The Work of Nations,” and “Beyond Outrage,” and, his most recent, “Saving Capitalism.” He is also a founding editor of the American Prospect magazine, chairman of Common Cause, a member of the American Academy of Arts and Sciences, and co-creator of the award-winning documentary, *INEQUALITY FOR ALL*.



The problem, from a sociological perspective, is that in *adversarial* societies (which constitute all post-colonial societies) *individualism* will invariably encounter conflict with *collectivism*, so of course promoting *hedonistic individualism* will invariably, and inevitably, create a breakdown in “the family” and “family values”—as they are mutually exclusive. The solution here is not to arrive at a “co-existence” of *adversarial individualism* with *hedonistic collectivism*, but rather transform the paradigm of the situation. What is needed is to transform the paradigm of the society to one of *co-operational individualism* combined with *humanitarian collectivism*. This is not a *utopian* ideal that remains elusive to the world. **Given the human, technological, and natural resources available on the planet today, not only is a new social order called for, it is required. What is needed is simply a reprioritization of status quo societal norms, as well as government spending and resource allocations.**

While it is important to examine this *bigger picture* in order to fully comprehend the damage done to women’s rights by the rise of social conservatism, it is equally important to examine what constitutes *family values*—within *social conservatism*. This debate, since the ‘80s, has been almost singularly defined and promoted by the *right* on a *promo-chastity, abstinence, heterosexual, religion agenda*. The political dialogue in the courts, the press, and amongst the general public has been so defined and set by *social conservatism* in the past decades that no other possible model of *family values* is even considered. Instead of addressing the issues—and recognizing that the migration of women from the home to the work-place is creating serious issues for their families and societies—the *left* has simply remained all too mute on these issues. The social problems created by women moving *en masse* into the work-place offers a perfect

venue and opportunity for the *left* to effectively promote socially progressive political agendas (child-care, health-care, etc.), but the leaders have simply not seized the opportunity.

Antiquated “spare the rod, spoil the child and/or wife” ideologies and agendas of the *right* have successfully been promoted through think tanks, NGOs, and lobbyists for decades. However, in addition to promoting socially conservative ideologies, platforms, and agendas in the West (which are designed to benefit the “1%” big money interests), these self-serving agendas are also fueling the rise of extremism and violence in the world. The extremism and violence is in turn fueling the escalation of social conservatism, and racial (and gender) tension that accompanies it—bringing the situation to a full-circle and escalating the extremism and violence even more, and initiating the process again and again. Each year the “circle” becomes tighter and tighter, as the world moves towards *totalitarianism* in countries across the globe.

The failure of the political *left* to have developed an ideology and platform with which to promote an alternative *family model* (and expose the hypocrisies, double-standards, and dysfunctionality of the social conservatism model in the process), has left a void in the discourse and debate. It is this void that must be filled at present by a re-ignition of the debate, with a focus on the human rights of women within that debate. And, in order for this to be effective it is essential that this effort be coordinated between the international legal community, the women’s rights community, and the human rights community.

Accountability, Transparency, and Governance: Values Learned in the Home and Family

The Market Value of Family Values

Furthering complicating the matter, is the failure of the *left* to have counter-attacked the public-policy dialogues and propaganda campaigns of social conservative think tanks and lobbyist (Schultze, et. al., 2003). What the *left* must do at present is develop and promote a new model, based on a new paradigm; a model which stimulates a “rights and liberties” approach to the individuals within the family unit, but within a *co-operational*, rather than *adversarial* context. An added advantage to a *co-operation model*, and approach, is that it transmits positive ethics and values from one generation to another. And, the disadvantage to the *adversarial model* is that it transmits negative values as demonstrated in “The Market Value of Family Values²⁹” below. It is the difference between the economic, if not social, value (or cost) of transmitting *positive vs. negative values* to future workforces from which a society derives its legal and moral *right* to “interfere” within the *private* sphere of the family—if a humanitarian argumentation does not suffice in, and of, itself. Economist Ralph Chami and Connel Fullenkamp show the importance of family in transmitting positive family values and work ethic from one generation to another in optimizing productivity in the work-force *The Market Value of Family Values*,

²⁹Chami, Ralph and Fullenkamp, Connel, “The Market Value of Family Values,” *Cato Journal*, vol. 16, Issue 3, 1997, Cato Institute -- <http://object.cato.org/sites/cato.org/files/serials/files/cato-journal/1997/1/cj16n3-4.pdf>

Recently, family issues have received much attention from politicians and social commentators. The debate has centered, for the most part, on the decline of “family values” and the commensurate decline of “work ethic” among participants in the labor market. Although economists have no way of measuring values or work ethic directly, they may nonetheless be able to find evidence of changes in values and work ethic to the extent that these changes affect different markets. An extensive literature on the economics of the family has emerged over the past 20 years that documents and analyzes economic interactions between family members, such as bequests and gifts, or inter vivos transfers. When it comes to showing the impact of these family interactions on labor and financial markets, however, economists for the most part have remained on the sidelines. In this paper, we bring economics to the heart of the discussion of family values by using the insights gleaned from existing and recent work on the family to forge and highlight the integral link between the family and the market...

*The family plays a pivotal role in affecting the market through its provision of income transfers. These transfers, by affecting the choices made by market participants, can either complement the market or impose costs on it. The market, therefore, places a significant value on family values----though not for their own sake. **Family values, such as work ethic, have a tremendous impact on the bottom line, through their effects on the skill accumulation and productivity of employees. When work ethic is effectively passed from parents to children, firms will be more productive and will pass their gains to workers in the form of higher wages, lower unemployment, and lower uncertainty about wages and employment in general. But when work ethic declines or is not passed from parent to child effectively, the market reacts to lower efficiency and higher costs by passing these costs on to the family in the form of greater uncertainty about wages and job security. This is essentially the same story of market discipline that plays out with respect to any business practice: actions that raise efficiency and deliver value are rewarded, while actions that lower efficiency and reduce value are punished.***

If work ethic and other family values are indeed in decline, as some observers would suggest, then economists should be able to detect the effects of this decline in data on wage dispersion, employment dynamics, and labor contracts. On the other hand, a word of caution is in order before we search for any links between market outcomes and the state of family values in our society. Public warnings about moral decay are as old as the concept of morality itself. Indeed, the practice of older generations of a society criticizing the morals of younger generations is one of our most observed if not most honored traditions. Perhaps these condemnations and warnings are simply another mechanism by which parents ensure that their values are transferred to their children. If this is truly all that the current debate over family values represents, then it is unlikely that economists would find any measurable effects when they conduct their experiments.

As this paper shows, however, the transmission of family values from parents to children has probably been harmed by the emergence of government social insurance programs. These programs, which have only existed for the past two generations, represent a new development in the cycle of family values. Our model suggests that these programs, in

their current form, interfere with parental influence and prevent values from being passed effectively from one generation to the next. Their effect, moreover, has probably become more pronounced within the last 25 years as the variety and generosity of government transfers have increased. The introduction of government programs, therefore, can be interpreted as a shock to the system that upset the balance between the family and the market. This raises the likelihood that economists can find evidence of the effects of government programs on work ethic through the programs' effects on wage and employment data. Carrying out the empirical investigations suggested by this paper, therefore, appears to be a worthwhile endeavor. (p. 348)

It should be noted that the “shock” between older generations and younger generations discussed in the text above is a “two-way street.” Younger generations benefit from the experience of their elders; their values and traditions. But, society benefits from the young by their questioning of “old ways” with innovative and new ideas. This is why the “old” and “young” are continually at odds with each other ways. However, this friction (when developed and encouraged in a positive, respectful, open context as opposed to a violent, double-standard context), should not be seen as something negative in a society. The key to a successful interaction between the *old* and *young* in society is—balance, and respect as much for *children towards elders*, as *elders towards children*.

Additionally, in reference to the emergence of government social service programs and their ineffectiveness. In my experience with social service assistance programs, welfare, housing, domestic violence, employment, law enforcement, consular services..., the problem is two-fold:

- 1) assistance targets only the most extremely marginalized of victims with services for immediate survival and crisis situations only (NO preventative services exist what-so-ever)
- 2) these organizations are filled with discriminatory attitudes, bureaucracy, corruption, negligence and apathy of civil servants and need to be “cleaned-up” as much as the courts. The issue here, is not so much are government programs effective under the existing paradigm. But, whether they can be effective in a new paradigm—a paradigm where the underlying issues of ineffective management in these organizations can be properly addressed. Additionally, while the government agencies exist they are nothing but a façade, and it is the NGOs which have taken over the “work” of the government, but they lack the legal power and authority to take the action that the situation merits, so are ineffective in protecting victims

Another note worth mentioning, is that as Chami and Fullenkamp explain strong family values and work ethics are not only transmitted from one generation to another, but they translate into productive work-forces and societies. In light of this fact, one sees how the policies of family courts at present is promoting the breakdown of the family and society—and as such the productivity and even moral integrity of future generations. And under the reasonable person principle, a society which is destroying it's the moral integrity of future generations, losing its right to govern that society. As Leonore Weitzman explains in *The Divorce Revolution*,

The Divorce Revolution by Leonore Weitzman
The Transforming of Marriage

..Traditional family law established a clear moral framework for both marriage and divorce: marriage was a partnership, a lifelong commitment to join together “forsaking all others,” for better or for worse. Husbands and wives were assigned specific roles and responsibilities, and these obligations were reinforced by law: men remained responsible first and foremost for the care and custody of the children. The moral obligations of marriage were, in theory, reinforced by alimony and property awards so that spouses who lived up to their marriage contract were rewarded, and those who did not were punished...

The new reforms altered each of the major provisions of the traditional law—and, in the process, redefined the norms of legal marriage. No-fault laws abolished the need for grounds and the need to prove fault in order to obtain a divorce. They abandoned the gender-based assumptions of the traditional law in favor of standards for treating men and women “equally” in alimony and property awards....

The divorce law reforms reflect an underlying shift in the role of the state from a position of protecting marriage (by restricting marital dissolution) to one of facilitating divorce...

The new divorce laws no longer assume that marriage is a lifelong partnership. Rather, it is now seen as a union that remains tenable only so long as it proves satisfying to both partners. In addition, the traditional obligations of marriage, like the institution itself, are increasingly being redefined by the new divorce laws as optional, time-limited, contingent, open to individual definition, and, most important, terminable upon divorce...

The severing of family obligations is also reflected in the lax enforcement of alimony and child support awards. While this is certainly not condoned in the law itself, it is the practical result of the attitudes and behavior we observed among judges and attorneys, and their obvious reluctance “to bother” with enforcement of court-ordered support...

Even parenting is becoming increasingly optional. Indeed, the de facto effect of the current laws is to deprive children of the care, companionship, and support of their fathers. This is implicit in the courts’ treatment of postdivorce visitation and parenting. Since national data show that 52 percent of the children of divorce (who are not currently living with their father) had not seen him at all in the past year, it is evident that the majority of divorced fathers are abandoning much of their parental role after divorce and are being allowed to do so without legal sanction....

Professor Samuel Preston contends that the current “disappearing act of fathers” is part of a larger trend: the conjugal family is gradually divesting itself of care for children in much the same way that it did earlier for the elderly. To date, indications of parental abandonment have focused on fathers. Thus far, most analysts have seen mother as firmly committed to their children. But as the norms of the new divorce law permeate popular awareness, this picture also may change.

The import of the new custody laws, especially those that remove the maternal presumption and institute a joint custody preference, is to undermine women’s incentives to invest in their children. As women increasingly recognize that they will be treated

“equally” in child custody decisions, that caretaking and nurturance of children find no protection in the law and are punished by the job market, and that joint custody awards may push them into difficult, restrictive, and rewarding postdivorce custodial arrangements, they may increasingly take to heart the new laws’ implied warning that they not become so invested in their children.

It is evident that the concepts of optional and time-limited marital commitments embodied in the new divorce laws have a differential effect on men and women. While they free men from the responsibilities they retained under the old system, they “free” women primarily from the security that system provided. Since the traditional system channeled men and women in different directions, most women are now ill-equipped to take advantage of the new norms. Their investments in home, family, and children have typically meant lost opportunities in the paid labor force and have made them more dependent on the long-term protection and security that the traditional law promised them. This it is not surprising that this research reveals that women are “suffering” more under the new laws, for these laws have removed the financial safeguards of the old laws—with a decline in alimony awards and a decrease in women’s share of the community property—at the same time that they have increased the financial burden imposed on women after divorce.

For men, by contrast, the new legal assumption of time-limited commitments is likely to mean a new freedom from family financial obligations. In fact, as noted earlier, the new laws actually give men an incentive to divorce by offering them a release from the financial burdens of marriage. The wealthier a man is, and the longer he has been married, the more he has to gain financially from divorce.

From Protection for Housewives and Mothers to Gender-neutral Rules

The ways in which alimony, property, child custody, and child support rules are administered under the new divorce laws reflect profoundly altered assumptions reflecting changing social reality as well as a new ideological commitment to allow both men and women more options and more latitude to define their marital roles.

If the new legal assumptions were accompanied by provisions that in fact enabled both spouses to choose the extent to which they would assume breadwinning and homemaking roles, and if they then gave each spouse “credit” for the roles they in fact assumed during marriage, then the law would accurately reflect the complexity and variety of marital roles in these years of “transition.” But the present legal system seems to leave no room for such flexibility. Nor does it leave any room for individual choice.

Rather, it suggests that a woman who chooses to be a housewife or mother risks a great penalty because if she is later divorced she will pay heavily for that choice. Even if she and her husband agree to form an equal partnership in which they give priority to his career while she assumes the larger share of the housework and child care, and even if they agree that he will share his earnings and career assets with her, their agreement apparently will have no legal standing. The woman will still be expected to be self-

sufficient after divorce, and the man's promise—the promise of continued support and a share of his earnings that is implied in most marriages with a traditional division of labor—will be ignored in most courts. .

The penalty is equally severe for the woman who works during marriage, or who works part time, but who nevertheless gives priority to her family over her work. Her claims to share her husband's income through spousal support fall on deaf ears in courts that base awards solely on her "capacity for gainful employment."...

...the woman who has raised her children to maturity and who, as a result of the priority she as given to motherhood, finds herself with no marketable skills when she is divorced at forty-five or fifty-five, typically faces the harshest deprivations after divorce. The courts rarely reward her for the job she has done. Rather, the new assumptions imply that her motherhood years were wasted and worthless for she too is measured against the all-important new criterion of earning capacity...

From Partnership to Individualism

The new divorce laws alter the traditional legal view of marriage as a partnership by rewarding individual achievement rather than investment in the family partnership. Instead of the traditional vision of a common financial future within marriage, the no-fault and no-consent standards for divorce, and the new rules for alimony, property, custody, and child support, all convey a new vision of independence for husbands and wives in marriage. In addition, the new confer economic advantages on spouses who invest in themselves at the expense of the marital partnership...

The traditional law embodied the partnership concept of marriage by rewarding sharing and mutual investments in the marital community. Implicit in the new laws, in contrast, are incentives for investing in oneself, maintain one's separate identity, and being self-sufficient. The new stress is on individual responsibility for one's future, rather than the partnership assumption of joint or reciprocal responsibilities.

Once again, it is easy to see how these new assumptions reflect larger cultural themes: the rise of individualism, the emphasis on personal fulfillment, the belief in personal responsibility, and the importance we attach to individual "rights." These trends have at once been applauded for the freedom they offer and criticized as selfish, narcissistic, and amoral. Whether this change represents a decline or an advance depends on our personal values: are we more concerned with the security and stability that the old order provided, or with the misery it caused for those who were forced to remain in unhappy marriages?

Our evaluation will also depend on how we see the past. The belief that the rise of individualism has fostered a decline in the family rests on the assumption that the family was stable and harmonious in the past. But, as Dr. Arlene Skolnick notes, despite massive research in recent years, historians have not yet identified an era in which families were stable and harmonious and all family members behaved unselfishly and devoted their efforts to the collective good. That "classical family of western nostalgia," to use

Professor William J. Goode's term for the stereotype, has been one of the major casualties of recent research in family history.

But research does suggest a change in the psychological quality of family life. On the other hand, the ties between the family and the larger community have become more tenuous.

Historian Lawrence Stone's term "affective individualism" captures the trend. Stone is referring to a growing awareness of the self as unique and a growing recognition of the individual's right to pursue his or her own goals. The rise of affective individualism has brought emotional closeness between nuclear family members, as well as a greater appreciation for the individuality of each person in the family. Historically, this trend strengthened the husband-wife unit at the expense of the larger family and the kinship network in which it was embedded. More recently, as rising divorce rates demonstrate, the strength of the husband-wife unit has declined and values of "pure" individualism are emerging. The new divorce laws reflect this evolution in that they encourage notions of personal primacy for both husband and wife.

Today's individualistic norms imply that neither spouse should invest too much in marriage or place marriage above self-interest. This view supports marriage as a means of serving individual needs, reversing the traditional dictum that individual should submerge their personal desires wherever they conflict with the "good of the family." It also challenges traditional norms of reciprocity and mutual dependence. If men are no longer solely responsible for support, and if women are no longer responsible for homemaking and child care, then neither sex can count as much on the other for support or services. By the same token, it is arguable that to the extent both spouses come to rely on themselves, both gain less from the union. Indeed, a pattern of less stable relationships when spouses are less interdependent has already been observed among both cohabitating and married couples in a recent study of American couples....

The new laws, in contrast, discourage shared investments in marriage and thereby encourage both husbands and wives to dissociate from investments in the partnership. As more men and women follow the apparent mandate of the new laws, it seems reasonable to predict that marriage itself will lose further ground.

Indeed, sociologist William J. Goode persuasively argues that the trend is already well in progress. He observes that marriage is simply less important today than it was in the past for both men and women, and he foresees the further "decline of individual investments in family relationships over the coming decade" because investments in one's individual life and career pay off better in modern society. As more women seek to follow men in the path of acquiring status, self-esteem, and a sense of individual accomplishment from their jobs, the importance of marriage will rest increasingly on its ability to provide individuals with psychic and emotional sustenance. This, Goode observes, is a difficult and fragile bond. In these trends he sees profound implications for the future of intimate relationships and the bearing and rearing of children in Western nations.

Additionally, as noted in *The Market Value of Family Values*; just as parents can transmit positive values and morals to their children, they can also impart negative ones. While of course the most severe child abuse results in serious emotional disorders and psychosis, the spectrum of abuse in societies runs from occasional bullying to the most severe and violent forms of abuse. Daniel Goleman examines the dynamics of the family and childhood development which explains how *parenting* affects children's emotional intelligence in "The Family Crucible" (ch. 12) in his book, *Emotional Intelligence: Why It Can Matter More Than IQ*,

There are hundreds of studies showing that how parents treat their children—whether with harsh discipline or empathic understanding, with indifference or warmth, and so on—has deep and lasting consequences for the child's emotional life. Only recently, though have there been hard data showing that having emotionally intelligent parents is itself of enormous benefit to a child. The ways a couple handles the feelings between them—in addition to their direct dealings with a child—impart powerful lessons to their children, who are astute learners, attuned to the subtlest emotional exchanges in the family. When research teams led by Carole Hooven and John Gottman at the University of Washington did a microanalysis of interactions in couples on how the partners handled their children with their emotional ups and downs... Some mothers and fathers were like Ann and Carl: overbearing, losing patience with their child's ineptness, raising their voices in disgust or exasperation, some even putting their child down as "stupid"—in short, falling prey to the same tendencies toward contempt and disgust that eat away at a marriage. Others, however, were patient with their child's errors, helping the parents' will. The video game session was a surprisingly powerful barometer of the patients' emotional style.

The three most common emotionally inept parenting styles prove to be:

- *Ignoring feelings altogether. Such parents treat a child's emotional upset as trivial or a bother, something they should wait to blow over. They fail to use emotional moments as a chance to get closer to the child or to help the child learn lessons in emotional competence.*
- *Being too laissez-faire. These parents notice how a child feels, but hold that however a child handles the emotional storm in fine—even, say, hitting. Like those who ignore a child's feelings, these parents rarely step in to try to show their child an alternative emotional response. They try to soothe all upsets, and will, for instance, use bargaining and bribes to get their child to stop being sad or angry.*
- *Being contemptuous, showing no respect for how the child feels. Such parents are typically disapproving, harsh in both their criticisms and their punishments. They might, for instance, forbid any display of the child's anger at all, and become punitive at the least sign of irritability. These are the parents who angrily yell at a child who is trying to tell his side of the story, "Don't talk back to me!"*

Finally, there parents who seize the opportunity of a child's upset to act as what amounts to an emotional coach or mentor. They take their child's feelings seriously enough to try to understand exactly what is upsetting them ("Are you angry because Tommy hurt your feelings?") and to help the child find positive ways to soothe their feelings ("Instead of hitting him, why don't you find a toy to play with on your own until you feel like playing with him again?").

In order for parent to be effective coaches in this way, they must have a fairly good grasp of the rudiments of emotional intelligence themselves. One of the basic emotional lessons for a child, for example, is how to distinguish among feelings, a father who is too tuned out of, say, his own sadness cannot help his son understand the difference between grieving over a loss, feeling sad in a sad movie, and the sadness that arises when something bad happens to someone the child cares about. Beyond this distinction, there are more sophisticated insights, such as that anger is so often prompted by first feeling hurt.

As children grow the specific emotional lessons they are ready for—and in need of—shift. As we saw in Chapter 7 the lessons in empathy begin in infancy, with parents who attune to their baby's feelings. Though some emotional skills are honed with friends through the years, emotionally adept parents can do much to help their children with each of the basics of emotional intelligence: learning how to recognize, manage, and harness their ; these feelings; empathizing; and handling the feelings that arise in their relationships.

The impact on children of such parenting is extraordinarily sweeping. The University of Washington team found that when parents are emotionally adept, compared to those who handle feelings poorly, their children—understandably—get along better with, show more affection toward, and have less tension around their parents. But beyond that, these children also are better at handling their own emotions, are more effective at soothing themselves when upset, and get upset less often. The children are also more relaxed biologically, with lower levels of stress hormones and other physiological indicators of emotional arousal (a pattern that, if sustained through life, might well augur better physical health, as we saw in Chapter 11). Other advantages are social: these children are more popular with and are better liked by their peers, and are seen by their teachers as more socially skilled. Their parents and teachers alike rate these children as having fewer behavioral problems such as rudeness or aggressiveness. Finally, the benefits are cognitive; these children can pay attention better, and so are more effective learners. Holding IQ constant, the five-year-olds whose parents were good coaches had higher achievement scores in math and reading when they reached third grade (a powerful argument for teaching emotional skills to help prepare children for learning as well as life). Thus the payoff for children whose parents are emotionally adept is a surprising—almost astounding—range of advantages across, and beyond, the spectrum of emotional intelligence.

Heart Start

The impact of parenting on emotional competence starts in the cradle. Dr. T Berry Brazelton, the eminent Harvard pediatrician, [states that] babies like these have gotten a goodly dose of approval and encouragement from the adults in their lives; they expect to succeed in life's little challenges. By contrast, babies who come from homes too bleak, chaotic, or neglectful go about the same small task in a way that signals they already expect to fail. It is not that these babies fail to bring the blocks together, they understand the instruction and have the coordination to comply. But even when they do, reports Brazelton, their demeanor is "hangdog," a look that says, "I'm no good. See, I failed," Such children are likely to go through life with a defeatist outlook, expecting no encouragement or interest from teachers, finding school joyless, perhaps eventually dropping out.

*The difference between the two outlooks—children who are confident and optimistic versus those who expect to fail—start to take shape in the first few years of life. Parents, says Brazelton, "need to understand how their actions can help generate the confidence, the curiosity, the pleasure in learning and the understanding of limits" that help children succeed in life., **His advice is informed by a growing body of evidence showing that success in school depends to a surprising extent on emotional characteristics formed in the years before a child enters school.** As we saw in Chapter 6, for example, the ability of four-year-olds to control the impulse to grab for a marshmallow predicted a 210-point advantage in their SAT scores fourteen years later.*

The first opportunity for shaping the ingredients of emotional intelligence is in the earliest years, though these capacities continue to form throughout the school years. The emotional abilities children acquire in later life build on those of the earliest years. And these abilities, as we saw in Chapter 6, are the essential foundation for all learning. A report from the National Center for Clinical Infant Programs makes the point that school success is not predicted by a child's fund of facts or a precocious ability to read so much as by emotional and social measures: being self-assured and interested; knowing what kind of behavior is expected and how to rein in the impulse to misbehave; being able to wait, to follow directions, and to turn to teachers for help; and expressing needs while getting along with other children.

Almost all students who do poorly in school, says the report, lack one or more of these elements of emotional intelligence (regardless of whether they also have cognitive difficulties such as learning disabilities. The magnitude of the problem is not minor; in some states close to one in five children have to repeat first grade, and then as the years go on fall further behind their peers, becoming increasingly discouraged, resentful, and disruptive.

The child's readiness for school depends on the most basic of all knowledge, how to learn. The report lists the seven key ingredients of this crucial capacity—all related to emotional intelligence.

1. *Confidence. A sense of control and mastery of one's body, behavior, and world; the child's sense that he is more likely than not to succeed at what he undertakes, and that adults will be helpful.*
2. *Curiosity. The sense that finding out about things is positive and leads to pleasure.*
3. *Intentionality. The wish and capacity to have an impact, and to act upon that with persistence. This is related to a sense of competence, of being effective.*
4. *Self-control. The ability to modulate and control one's own actions in age-appropriate ways; sense of inner control.*
5. *Relatedness. The ability to engage with others based on the sense of being understood by and understanding others.*
6. *Capacity to communicate. The wish and ability to verbally exchange ideas, feelings, and concepts with others. This is related to a sense of trust in others and of pleasure in engaging with others, including adults.*
7. *Cooperativeness. The ability to balance one's own needs with those of others in group activity.*

Whether or not a child arrives at school on the first day of kindergarten with these capabilities depends greatly on how much her parents—and preschool teachers—have given her the kind of care that amounts to a “Heart Start,” the emotional equivalent to the Head Start programs.

Getting the Emotional Basics

Say a two-month-old baby wakes up at 3 A.M. and starts crying. Her mother comes in and, for the next half hour, the baby contentedly nurses in her mother's arms while her mother gazes at her affectionately, telling her that she's happy to her, even in the middle of the night. The baby, content in her mother's love, drifts back to sleep.

Now say another two-month-old baby, who also awoke crying in the wee hours, is met instead by a mother who is tense and irritable, having fallen asleep just an hour before after a fight with her husband. The baby starts to tense up the moment his mother abruptly picks him up, telling him, “Just be quiet—I can't stand one more thing! Come on, let's get it over with.” As the baby nurses his mother stares stonily ahead, not looking at him, reviewing her fight with his father, getting more agitated herself as she mulls it over. The baby, sensing her tension, squirms, stiffens, and stops nursing. “That's all you want?” his mother says. “Then don't eat.” With the same abruptness she puts him back in his crib and stalks out, letting him cry until he falls back to sleep, exhausted.

The two scenarios are presented by the report from the National Center for Clinical Infant Programs as examples of the kinds of interaction that, if repeated over and over, instill very different feelings in a toddler about himself and his closest relationships. The first baby is learning that people can be trusted to notice her needs and counted on to help, and that she can be effective in getting help; the second is finding that no one really cares, that people can't be counted on, and that his efforts to get solace will meet with

failure. Of course, most babies get at least a taste of both kinds of interaction. But to the degree that one or the other is typical of how parents treat a child over the years, basic emotional lessons will be imparted about how secure a child is in the world, how effective he feels, and how dependable others are. Erik Erikson put it in terms of whether a child comes to feel a “basic trust” or a basic mistrust.

Such emotional learning begins in life’s earliest moments, and continues throughout childhood. All the small exchanges between parent and child have an emotional subtext, and in the repetition of these messages over the years children form the core of their emotional outlooks and capabilities. A little girl who finds a puzzle frustrating and asks her busy mother to help gets one message if the reply is the mother’s clear pleasure at the request, and quite another if it’s curt “Don’t bother me—I’ve got important work to do.” When such encounters become typical of child and parent, they mold the child’s emotional expectations about relationships, outlooks that will flavor her functioning in all realms of life, for better or worse.

The risks are greatest for those children whose parents are grossly inept—immature, abusing drugs, depressed or chronically angry, or simply aimless and living chaotic lives. Such parents are far less likely to give adequate care, let alone attune to their toddler’s emotional needs. Simple neglect, studies find, can be more damaging than outright abuse. A survey of maltreated children found the neglected youngsters doing the worst of all: they were the most anxious, inattentive, and apathetic, alternately aggressive and withdrawn. The rate for having to repeat first grade among them was 65 percent.

The first three or four years of life are a period when the toddler’s brain grows to about two thirds its full size, and evolves in complexity at a greater rate than it ever will again. During this period key kinds of learning take place more readily than later in life—emotional learning foremost among them.

During this time severe stress can impair the brain’s learning centers (and so be damaging to the intellect). Though as we shall see, this can be remedied to some extent by experiences later in life, the impact of this early learning is profound. As one report sums up the key emotional lesson of life’s first four years, the lasting consequences are great:

A child who cannot focus his attention, who is suspicious rather than trusting, sad or angry rather than optimistic, destructive rather than trusting, sad or angry rather than optimistic, destructive rather than respectful and feels generally unhappy about himself—such a child has little opportunity at all, let alone equal opportunity, to claim the possibilities of the world as his own.

How to Raise a Bully

Much can be learned about the lifelong effects of emotionally inept parenting—particularly its role in making children aggressive—from longitudinal studies such as one of 870 children from upstate New York who were followed from the time they were eight until they were thirty. The most belligerent among the children—those quickest to start fights and who habitually used force to get their way—were the most likely to have dropped out of school and, by age thirty, to have a record for cries of violence. They also seemed to be handing down their propensity to violence: their children were, in grade school, just like the troublemakers their delinquent parent had been.

There is a lesson in how aggressiveness is passed from generation to generation. Any inherited propensities aside, the troublemakers as grown-ups acted in a way that made family life a school for aggression. As children, the troublemakers had parents who disciplined them with arbitrary, relentless severity; as parents they repeated the pattern. This was true whether it had been the father or the mother who had been identified in childhood as highly aggressive. Aggressive little girls grew up to be just as arbitrary and harshly punitive when they became mothers as the aggressive boys were as fathers. And while they punished their children with special severity, they otherwise took little interest in their children's lives, in effect ignoring them much of the time. At the same time the parents, offered these children a vivid—and violent—example of aggressiveness, a model the children took with them to school and to the playground, and followed throughout life. The parents were not necessarily mean-spirited, nor did they fail to wish the best for their children, rather, they seemed to be simply repeating the style of parenting that had been modeled for them by their own parents.

In this model for violence, these children were disciplined capriciously: if their parents were in a bad mood, they would be severely punished; if their parents were in a good mood, they could get away with mayhem at home. Thus punishment came not so much because of what the child had done, but by virtue of how the parent felt. This is a recipe for feelings of worthlessness and helplessness, and for the sense that threats are everywhere and may strike at any time. Seen in light of the home life that spawns it, such children's combative and defiant posture toward the world at large makes a certain sense, unfortunate though it remains. What is disheartening is how early these dispiriting lessons can be learned, and how grim the costs for a child's emotional life can be.

Abuse: The Extinction of Empathy

In the rough-and-tumble play of the day-care center, Martin, just two and a half, brushed up against a little girl, who, inexplicably, broke out crying. Martin reached for her hand, but as the sobbing girl moved away, Martin slapped her on the arm.

As her tears continued Martin looked away and yelled, "Cut it out! Cut it out!" over and over, each time faster and louder.

When Martin then made another attempt to pat her, again she resisted. This time Martin bared his teeth like a snarling dog, hissing at the sobbing girl.

Once more Martin started patting the crying girl, but the pats on the back quickly turned into pounding, and Martin went on hitting and hitting the poor little girl despite her screams.

That disturbing encounter testifies to how abuse—being beaten repeatedly, at the whim of a parent's moods—warps a child's natural bent toward empathy. Martin's bizarre, almost brutal response to his playmate's distress is typical of children like him, who have themselves been the victims of beatings and other physical abuse since their infancy. The response stands in stark contrast to toddlers' usual sympathetic entreaties and attempts to console a crying playmate, reviewed in Chapter 7. Martin's violent response to distress at the day-care center may well mirror the lessons he learned at home about tears and anguish: crying is met at first with a peremptory consoling gesture, but if it continues, the progression is from nasty looks and shouts, to hitting, to outright beating. Perhaps most troubling, Martin already seems to lack the most primitive sort of empathy, the instinct to stop aggression against someone who is hurt. At two and a half he displays the budding moral impulse of a cruel and sadistic brute.

Martin's meanness in place of empathy is typical of other children like him who are already, at their tender age, scarred by severe physical and emotional abuse at home. Martin was part of a group of nine such toddlers, ages one to three, witness in a two-hour observation at his day-care center. The abused toddlers were compared with nine others at the day-care center from equally impoverished, high-stress homes, but who were not physically abused. The differences in how the two groups of toddlers reacted when another child was hurt or upset were stark. Of twenty-three such incidents, five of the nine nonabuse toddlers responded to the distress of a child nearby with concern, sadness, or empathy. But in the twenty-seven instances where the abuse children could have done so, not one showed the least concern; instead they reacted to a crying child with expressions of fear, anger, or, like Martin, a physical attack.

One abuse little girl, for instance, made a ferocious, threatening face at another who had broken out into tears. One-year-old Thomas, another of the abused children, froze in terror when he heard a child crying across the room; he sat completely still, his face full of fear, back stiffly straight, his tension increasing as the crying continued—as though bracing for an attack himself. And twenty-eight-month-old Kate, also abused, was almost sadistic: picking on Joey, a smaller infant, she knocked him to the ground with her feet, and as he lay there looked tenderly at him and began patting him gently on the back—only to intensify the pats into hitting him harder and harder, ignoring his misery. She kept swinging away at him, leaning in to slug him six or seven times more, until he crawled away.

These children, of course, treat others as they themselves have been treated. And the callousness of these abuse children is simply a more extreme version of that seen in children whose parents are critical, threatening, and harsh in their punishments. Such children also tend to lack concern when playmates get hurt or cry; they seem to represent one end of a continuum of coldness that peaks with the brutality of the abused children. As they go on through life, they are, as a group, more likely to have cognitive peers (small wonder, if their preschool toughness is a harbinger of the future), more prone to depression, and, as adults, more likely to get into trouble with the law and commit more crimes of violence.

The failure of empathy is sometimes, if not often, repeated over generations, with brutal parents having themselves been brutalized by their own parents in childhood. It stands in dramatic contrast to the empathy ordinarily displayed by children of parents who are nurturing, encouraging their toddlers to show concern for others and to understand how meanness makes other children feel. Lacking such lessons in empathy, these children seem not to learn it at all.

What is perhaps most troubling about the abuse toddlers is how early they seem to have learned to respond like miniature versions of their own abusive parents. But given the physical beatings they received a sometime daily diet, the emotional lessons are all too clear. Remember that it is in moments when passions run high or a crisis is upon us that the primitive proclivities of the brain's limbic centers take on a more dominant role. At such moments the habits the emotional brain has learned over and over will dominate, for better or worse.

Seeing how the brain itself is shaped by brutality—or by love—suggest that childhood represents a special window of opportunity for emotional lessons. These battered children have had an early and steady diet of trauma. Perhaps the most instructive paradigm for understanding the emotional learning such abused children have undergone is in seeing how trauma can leave a lasting imprint on the brain—and how even these savage imprints can be mended.

As seen in Daniel Goleman's analysis above, parents have a very, very important role to play in determining whether a child will become a positive (or negative) influence on society (and him or herself). **When governments fail to produce and implement policies which protect the young, and prepare that young to be productive and fulfilled citizens, they have FAILED in their social contract with that society and their obligations under democratic principles. And in doing so they lose their legitimacy, and right to rule. It is for this reason, that not only do governments have an obligation to assure the private rights of all members of a family are respected within that family, as much as within the community, but they also have a duty and obligation. And, when they failure to fulfill that duty, the legitimacy of the government is forfeited. Ergo, from a theoretical perspective, governments have no other option, than to assure a child's rights within the family, as well as community.**

Additionally, one of the consequences of colonialism of the past centuries was, and is, a *collective schizophrenia* amongst the ruling-class. Since families have a very important role in the socialization of our young, and their morality (or immorality), logic dictates that awareness of the *plight of the poor*, would not be possible if those who exploited them did not develop very complex systems of rationalizations, stereotyping, prejudices, etc. that permitted them to turn a blind-eye to the suffering of those lower down on the *food-chain* than themselves. In rigid-hierarchies, *elites* develop a fantasy-land for themselves, where everyone is “happy and content.” In this way the *elite* are “justified” in their superior social positions and living-conditions, because they “take care” of *inferiors*—this assumption is omni-present in Reaganomics, and the justifications its proponents offer. However, the fairy-tale/party-world of the *elite* starkly contrasts with the exploitation and oppression of the masses—and the rampant abuses of power at every level of society to maintain the entire paradigm—and thereby the *schizophrenic* nature of the situation.

This is the challenge at present for societies—to lift themselves out of their self-induced schizophrenic state, and face the realities of this world and planet.

Domestic Violence: Private Rights vs. Public Rights of Who?

Why Does He Do That? Inside the Minds of Angry and Controlling Men by L. Bancroft

In order to understand how, and why, societies, and governments, across the globe are failing to effectively combat domestic violence (and other forms of violence) it is important to examine societal responses to victims of domestic abuse—and **why it is usually the abuser who receives the support and encouragement of the community, rather than the victim.** Lundy Bancroft, explains the situation in of *Why Does He Do That? Inside the Minds of Angry and Controlling Men*,

How are abusive men able to attract allies to their cause? And why do some people become such enthusiastic, and at times vicious, agents of the abuser? To answer these questions we need to look not only at the mind-set of abusive men but also at the socially acceptable attitudes and styles of interaction that an abusive man can use to prevail upon other people to do his dirty work.

Why the Abusive Man Seeks Allies

Controlling and intimidating a partner is not that easy. A man has a better chance of dominating a woman than vice versa, but it is still a challenge. Very few people willingly consent to having their rights systematically denied. The abusive man thus is faced repeatedly with the problem—from his perspective—of his partner’s continued resistance to his control. Over time he gets tired of bullying her all by himself.

Certain other impediments can trip up the abuser. Changes in societal attitudes toward abuse, including improvements in some important laws and policies, are making it harder to get away with. The physically frightening or sexually assaultive abuser, for example, is much more likely to be arrested than he would have been ten or fifteen years ago. His partner now has the option of seeking a court order to keep him away from her.

Perhaps most important is that the silence surrounding abuse is being broken. In a current case of mine involving a psychological abuser, close friends of the woman sat her down one day and staged an “intervention,” in which they supportively pressed her to recognize the impact her husband’s abuse was having on her. Unlike the situation years ago, there are now various ways in which an abused woman can find assistance—or assistance can find her, as it did in this case.

In this context, an abuser has to work harder than ever to keep his partner blaming herself and to fend off helping hands that might reach her. One great way to keep people off of her side is to win them over to his side first. Besides, he feels that he deserves allies, because he considers himself the victim.

You may wonder why, if abusive men feel so justified in their actions, they distort their stories so much when seeking support. First, an abuser doesn’t want to have to explain his worst behaviors—his outright cruelty, for example, or his violence—to people who might find those acts distasteful, and he may not feel confident that his justifications will be accepted. Second, he may carry some guilt or shame about his worst acts, as most abusers do; his desire to escape those feelings is part of why he looks for validation from other people, which relieves any nagging self-doubt. He considers his guilt feelings a weakness to be overcome. And, last he may lie because he has convinced himself of his own distortions. The narcissistic abuser, for example, considers his fabrications real, which is one of the reasons why lie-detector tests are unreliable in cases of abuse (including child sexual abuse).

How Come So Many People Side with Him?

The list of people an abuser can potentially persuade to act as his agents is a long one: friends, relatives, teachers, psychologists, clergy-people, police and judges, her relatives, and, following a breakup, his new partner. Let’s take a look at several of these people from the abused woman’s perspective, examining both how the abuser recruits them and why they are willing to be his front people.

The Abuser’s Relatives

Sometimes he and his father rip into me together, putting me down and making fun of me. His dad is just like him.”

“His uncle abuses his aunt and everybody in his family can tell, but they never say a word about it.”

“He was arrested for pounding on my door when I had a restraining order against him, but his sister testified that he’d been over at her house that whole night, so her got off.”

“His mother and I were good friends, but ever since he got arrested for hitting me she won’t talk to me, as if I were the bad one.”

As these statements by partners of my clients illustrate, one fundamental dynamic has changed little despite three decades of progress in social attitudes toward abuse: No one wants to believe that his or her own son or brother is an abusive man. Parents don't want the finger pointed at them, so they say: "Our child wouldn't abuse his partner. We brought him up right." Allegations of abuse by the son can draw uncomfortable attention to the dynamics of the previous generation, abusive men are three times more likely than nonabusers to come from homes in which their father or stepfather abused their mother. And if the father or stepfather is abusive, he shares the son's entitled attitudes and victim-blaming tendencies.

*Family loyalty and collective denial of family problem are powerful binding agents. The abuser shapes his relatives' views of his partner over a period of years. They have perhaps seen with their own eyes how she "overreacts" to certain things he does in public, because with no idea of what he has been doing to her behind closed doors, they can't accurately judge her behavior. **So they oppose abuse in the abstract, but they fight fiercely for the abuser when he is their own.***

The Abused Woman's Relatives and Friends

As if the support an abuser receives from his own relatives weren't bad enough, I keep encountering cases where the woman's relatives also come to his aid. At a conference I spoke at recently, a lawyer stood up to ask: "Why do some of my clients find themselves in situations where their own families are helping the abusers win custody?"

Every family has tensions within it, and abusers use their manipulative skills to take advantage of those rifts. In one case, for example, an abuser named Ian heard that his ex-wife, Tina had fallen out with her parents because they were upset that she had stopped attending church. Ian made a point of starting to make a regular appearance at Sunday services and one day found his way to "coincidentally" sit near Tina's relatives. He engaged the in a conversation about his "concerns" about her loss of faith and how bad he felt that Tina wasn't giving their children the benefits of consistent church attendance. He also slipped in a few assertions that he knew would bring to mind the kind of person who skips services, saying, "Our children tell me she's been drinking heavily and bringing a lot of different men around the house." Pretty soon a minor tiff had turned into a gigantic one.

It is uncomfortable or a woman to tell her family the details of her partner's abuse of her. She feels ashamed and wants to avoid having them ask. "Well, then, why are you with him?" But the abuser can take advantage of how much her family doesn't know. He is careful not to create the impression he's bad-mouthing her, while subtly planting his poisonous seeds. He might say, for example: "She's telling people now that I was abusive to her, and that really hurts me. It's gotten so I don't want to show my face places cause of what she's saying. I'm not keeping any secrets; I'll tell you right out that I did slap her one day, which I know is wrong. She has this thing about saying that my other is a 'whore' 'cause she's been divorce twice, and that really gets to me, but I know I should have handled it differently."

When he leaves, her parents find themselves ruminating: “Gee, she didn’t mention anything about insulting his mother in that incident. That makes it a little different. She can have quite a mouth on her, I’ve noticed that myself. He shouldn’t slap her, but he’s obviously feeling guilty about it now. And he’s willing to admit that it’s partly his fault, while she blames it all on him. She does that in conflicts with us sometimes; she doesn’t realize rudely herself.

There continues to be social pressure on women to “make the relationship work” and “find a way to hold the family together,” regardless of abuse. Since so many people accept the misconception that abuse comes from bad relationship dynamics, they see the woman as sharing responsibility equally for “getting things to go better.” Into this context steps the abuser, telling his partner’s friends, “I still really want to work things out, but she isn’t willing to try. I guess it isn’t worth the effort to her. And she’s refusing to look at her part in what went wrong; she puts it all on me.”

What her family and friends may not know is that when an abused woman refuses to “look at her part” in the abuse, she has actually taken a powerful step out of self-blame and toward emotional recovery. She doesn’t have any responsibility for his actions. Anyone who tries to get her to share responsibility is adopting the abuser’s perspective.

Despite the challenges, many, many friends and relatives of abuse women stay by them. Their presence is critical, for it is the level of loyalty, respect, patience, and support that an abused woman receives from her own friends and family that largely determines her ability to recover from abuse and stay free.

Therapists and Evaluators

We need to take a large step back in time for a moment, to the early part of Freud’s era, when modern psychology was born. In the 1890s, when Freud was in the dawn of his career, he was struck by how many of his female patients were revealing childhood incest victimization to him. Freud concluded that child sexual abuse was one of the major causes of emotional disturbances in adult women and wrote a brilliant and humane paper called “The Aetiology of Hysteria.” However, rather than receiving acclaim from his colleagues for his ground-breaking insights, Freud met with scorn. He was ridiculed for believing that men of excellent reputation (most of his patients came from upstanding homes) could be perpetrators of incest.

Within a few years, Freud buckled under this heavy pressure and recanted his conclusions. In their place he proposed the “Oedipus complex,” which became the foundation of modern psychology. According to this theory any young girl actually desires sexual contact with her father, because she wants to compete with her mother to be the most special person in his life. Freud used this construct to conclude that the episodes of incestuous abuse his clients had revealed to him had never taken place; they were simply fantasies of events the women had wished for when they were children and that the women had come to believe were real. This construct started a hundred-year history in

the mental health field of blaming victims for the abuse perpetrated on them and outright discrediting of women's and children's reports of mistreatment of men.

One abuse was denied in this way, the stage was set for some psychologists to take the view that any violent or sexually exploitative behaviors that couldn't be denied—because they were simply too obvious—should be considered mutually caused. Psychological literature is thus full of descriptions of young children who “seduce” adults into sexual encounters and of women whose “provocative” behavior causes men to become violent or sexually assaultive toward them.

I wish I could say that these theories have long since lost their influence, but I can't. A psychologist who is currently one of the most influential professionals nationally in the field of custody disputes writes that women provoke men's violence by “resisting their control” or by “attempting to leave.” She promotes the Oedipus complex theory, including the claim that girls wish for sexual contact with their fathers. In her writing she makes the observation that young girls are often involved in “mutually seductive” relationships with their violent fathers, and it is on the basis of such “research” that some courts have set their protocols. The Freudian legacy thus remains strong.

Hoping to find that the mental health field was changing for the better, I recently reviewed the current catalogues for various graduate professional training programs in clinical and counseling psychology, including those from programs considered to be on the cutting edge. I was unable not only to locate a single course on any form of abuse, whether toward partners or children, but to locate any reference to abuse in the descriptions of courses on any other subject. I proceeded to all one of the schools that trains clinical psychologists and asked whether they ever offer any classes on abuse, and was told: “Well, if there is a particular interest in that subject among the students, they sometimes organize a student-led seminar.”

The influence of the history of psychological thinking remains particularly potent in the field of custody evaluation, where mental health professionals routinely ignore or minimize allegations of partner abuse and child abuse, assume that women are hysterical and vindictive, and treat all problems as mutual in origin. Custody evaluators sometimes become fervent advocates for abusive men, joining them in accusing the women of alienating children from their fathers and refusing to consider the evidence of abuse.

Similar kinds of errors abound in the work of many individual and couples therapists. I've had couple's counselors say to me, for example: “He just isn't the type to be abusive; he's so pleasant and insightful, and she's so angry.” Women speak to me with shocked voices of betrayal as they tell me how their couples therapist, or the abuser's individual therapist, or a therapist for one of their children, has become a vocal advocate for him and a harsh and superior critic of her. I have saved for years a letter that a psychologist wrote about one of my clients, a man who admitted to me that his wife was covered with blood and had broken bones when he was done beating her and that she could have died. The psychologist's letter ridiculed the system for labeling this man a “batterer,” saying that he was too reasonable and insightful and should not be

participating in my abuser program any further. The content of the letter indicated to me that the psychologist had neglected to ever ask the client to describe the brutal beating that he had been convicted of...

Other Abusers of Power as Allies of Abusive Men

You have undoubtedly come in contact at some point in your life with a person driven by a deep attraction to exercising power over others. Partner abusers have no monopoly on the desire to intimidate or manipulate, or on the skills for accumulating power and using it for selfish purposes or emotional gratification. Among professionals, for example—including those who are expected to respond constructively to abusers and their partners—there are some individuals who are motivated not by caring and respect but by hunger for control. Not everyone who enters police work wishes to be a public servant; there are those who look forward primarily to carrying a gun, pushing their weight around, and being above the law. I know many humane judges who take an interest in the challenges that people face and seek fair and practical responses. But I watch others who appear to get satisfaction out of insulting those who come before them, dismissing their concerns and perspective, and acting with impunity. Among therapists there are plenty whose goal is teamwork, while others look down on their clients and speak condescendingly, making pronouncements about what each person “really” thinks, feels, and needs to do. There are custody evaluators who are eager to lend a hand through the painful process of divorce, but a tragically large number appears to be enamored with the power over the lives of men, women, and children that their custody recommendations give them.

People who are attracted to power and tend to abuse it have important common ground with a man who abuses a woman. For example, a dictatorial boss is bound to encounter some occasions when an employee finally gets fed up enough to swear at her, stomp out of the office, and quit. A manager who coerces his female subordinates into sexual contact with him may get reported for sexual harassment sooner or later. The abuser of power feels outraged when his or her victims attempt to defend themselves in these ways and considers them to be the unreasonable or aggressive ones. So it is not surprising that such a person, when looking at a woman who is complaining of abuse by a man, might have the following thoughts: “This woman is another one of those people who likes the role of victim. I know what they’re like because I have to deal with them myself. They are never grateful no matter how much you do for them; they don’t know their place; and everything turns retaliate an accusation of mistreatment.” The abuse of power thus may personalize the woman’s resistance to oppression and feel a strong desire to retaliate on behalf of the abusive man, and in fact I have often observed this disturbing eagerness among some professionals to jump on abused women with both feet. Their statements have sometimes confirmed to me that they do indeed have the kind of thought process I have just described—coupled of course with the usual myths regarding women’s hysterical exaggerations and their provocation of men’s abuse.

A professional who is drawn to abusing power seems to have particularly strong reactions if the woman challenges his or her actions in any way or attempts to explain the effects the abuser has had on her. The underlying attitude sometimes appears to be: "How dare you continue to attempt to think for yourself when I am here before you with my obviously superior knowledge, status, judgement, and insight?" An abused woman can walk away from an interaction with such a professional feeling like she has just been beaten up, re-creating the ugliness of the verbal or physical abuse she has suffered from her partner. A number of abused women have said to me, for example. "The police came to my house one time after he pushed me around, but they were angry and insulting to me and kind of buddied up to him, and when I complained about how they were treating me they told me if I didn't shut up they would arrest me." I have been involved in cases where some judges and custody evaluators—both male and female—go out of their way to discredit and demean women who report abuse and request protection for themselves or their children, and if the woman protests the professional response they explode into verbally abusing her or retaliating against her. In this way the mentality and tactics of certain professionals can closely parallel those of abusers, and the result is revictimization of the woman. In some institutions whose own power dynamics have tended to fall badly on abused women in these ways, such as police departments, courts, and child protection services, social pressure has brought about the creation of positions for abused women's advocates or domestic violence specialists whose job it is to make sure that the abused woman is not revictimized by the system that should be there to protect her rights. If you are involved with one of these systems, find out whether an abuse specialist is on staff and, if so, request to bring that person into your case.

Attorneys

Some attorneys for abusers are in a class by themselves. I have rarely seen anyone become as vicious and unprincipled in the role of coabuser of a man's partner as certain lawyers do. Woman after woman has described to me the way her heart begins to race when she sees the abuser's attorney at court or the jolt she feels when court papers prepared by the attorney arrive at her home.

An abuser or accused abuser of course has the right to legal representation, as anyone does. But does offering proper legal counsel mean that the attorney needs to insult and deride the woman, make far-fetched accusations against her, treat every allegation made by the man as gospel truth, and even lie at times to promote his goals? Of course not. However, such conduct is disturbing widespread among certain defense attorneys who represent accused abusers as well as among some family law attorneys handling custody and visitation cases. Some of this behavior appears to be motivated by economics: Attorneys can build a successful practice if word gets around that they specialize in representing accused abusers. Abusers love it when they hear that a certain attorney has a reputation for "really going for the woman's jugular," since that ruthless orientation is in keeping with their own. Women are sometimes as traumatized by their expartner's attorney as they were by him.

There is an urgent need for the creation of legal standard for attorneys who represent accused abusers, so that a sharp line is drawn between who represent accused abusers, so that a sharp line is drawn between giving a man proper chance to have his side heard in court, which is his legal right, and acting as a weapon of the man's abuse, allowing him to cause financial and psychological damage that would have been impossible for him without the lawyer's assistance.

The Myth of Neutrality

It is not possible to be truly balanced in one's views of an abuser and an abused woman. As Dr. Judith Herman explains eloquently in her masterwork Trauma and Recovery, "neutrality" actually serves the interests of the perpetrator much more than those of the victim and so is not neutral. Although an abuser prefers to have you wholeheartedly on his side, he will settle contentedly for your decision to take a middle stance. To him, that means you see the couple's problems as partly her fault and partly his fault, which means it isn't abuse.

I was speaking with a person one day who was describing the abusive relationship of a man and woman, both of whom were friends of hers. "They each want me to side with them," she explained to me, "but I refuse to take sides. They have to work out their own dynamics. I have let both of them know that I'm there for them. If I openly supported her, he would just dig his heels in harder." She added, "People need to avoid the temptation to choose up teams" in a tone that indicated that she considered herself to be of superior maturity because of her neutrality.

In reality, to remain neutral is to collude with the abusive man, whether or not that is your goal. If you are aware of chronic or severe mistreatment and do not speak out against it, your silence communicates implicitly that you see nothing unacceptable taking place. Abusers interpret silence as approval, or at least as forgiveness. To abused women, meanwhile, the silence means that no one will help—just what her partner wants her to believe. Anyone who chooses to quietly look the other way therefore unwittingly becomes the abuser's ally.

Breaking the silence does not necessarily mean criticizing or confronting the abuser regarding his behavior. It certainly doesn't mean going to him with anything you have learned from her, because the abuser will retaliate against her for talking about his behavior to other people. It does mean telling the abused woman privately that you don't like the way he is treating her and that she doesn't deserve it, no matter what she has done. And if you see or hear violence or threats, it means calling the police.

How Society Adopts the Abuser's Perspective

Almost anyone can become an ally of an abusive man by inadvertently adopting his perspective. People usually don't even notice that they are supporting abusive thinking, or they wouldn't do it. Let's examine some of the most common forms of accidental support.

- *The person who says to the abused woman: “You should show him some compassion even if he has done bad things. Don’t forget that he’s a human being too.”*

I have almost never worked with an abused woman who overlooked her partner’s humanity. The problem is the revers: He forgets her humanity. Acknowledging his abusiveness and speaking forcefully and honestly about how he has hurt her is indispensable to her recovery. It is the abuser’s perspective that she is being mean to him by speaking bluntly about the damage he has done. To suggest to her that his need for compassion should come before her right to live free from abuse is consistent with the abuser’s outlook. I have repeatedly seen the tendency among friends and acquaintances of an abused woman to feel that it is their responsibility to make sure that she realizes what a good person he really is inside—in other words, to stay focused on his needs rather than on her own, which is a mistake. People who wish to help an abused woman should instead be telling her what a good person she is.

- *The person who says to her: “But he’s the father of your children.”*

The abusive man uses the children to entrap the woman in the relationship, saying that she is depriving them of a father by splitting up the family. But he is the one who is keeping those children from having the father they need, by forcing them to grow up with a father who abuses their mother. Children need an abuse-free home.

- *The person who says to her: “You made a commitment, and now you need to stick with it through hard times.”*

The abusive man believes that chronic mistreatment, overt disrespect, intimidation, and even violence are not good enough reasons for a woman to want to stay away from a man. When people say to her, “You made your bed; now lie in it,” they are supporting the abuser’s value system.

- *The person who says: “You are claiming to be a helpless victim.”*

If the abuse could hear these words being spoken to his partner, he would jump for joy. He may have said the very same thing to her. The abuser’s perspective is that the woman exaggerates the hurtfulness of his conduct because she wants the status of victim, attributing to her the maneuvers that he is actually fond of using himself. When an abused woman tries to tell you how bad things are, listen.

- *The person who says: “These abuse activists are anti-male.”*

How is it anti-male to be against abuse? Are we supposed to pretend we don’t notice that the overwhelming majority of abusers are male? This accusation parallels the abuser’s words to his partner: “The reason you think I’m abusive is because you have a problem with men!” One of the best counters to this piece of side-tracking is to point out how many men are active in combating the abuse of women. Remember also that abused

women are the sisters, daughters, mothers, and friends of men; men's lives are affected by abuse, because it happens to women we know and care about.

...It is impossible for a community to stop abuse while continuing to assist or ignore abusers at the same time. Protecting or enabling an abuser is as morally repugnant as the abuse itself. This critical concept needs to become firmly embedded in our culture. Colluding with abuse abandons the abused woman and her children, and ultimately abandons the abuser as well, since it keeps him from ever dealing with his problem. In particular, we have to bring to light the actions of those powerful, well-trained professionals who choose to join the abuser in his goals and tactics. If we can erode the ability of abusers to gain allies, they will stand alone, and alone they are easier to stop.

It often falls to the abused woman herself, unfortunately, to try to educate the people around her whose help and support she needs, so that they will understand the dynamics of abuse and stop supporting the abusive man. Much of why an abuser is so able to recruit allies, besides his own manipulateness and charm, is his skill in playing on people's ignorance and misconceptions and often on their negative attitudes toward women.... (Ch. 11)

The Abusive Man and the Legal System (Ch. 12)

The Different Players in the Legal System

...courts reserve a special skepticism toward women who complain of abuse by a partner, and disparaging biases against females are still the rule of the day in some courts—even among female employees... Some judges listen carefully to plaintiff's concerns, whereas others assume that women are lying and exaggerating. A remarkable number of judges grant restraining orders to abusers to use against their victims or grant mutual orders, which validate the abuser's claim that his partner shares responsibility for causing his scary behavior... I have also worked with many [other probation officers] who buddy up to the abuser with a wink and a nod, a who bond with him in the belief that there exists an anti-male bias in the court system and who signal him that he needn't take the abuser program seriously by saying things such as: "Just show up to your required number of group meetings and we'll get you right off probation." The front doors of police departments and courthouses sometimes open into cold and adversarial worlds... And, too often, regrettably [civil servants] share the abuser's attitudes. I could not possibly count the number of women who have said to me: "I wish those people down at the court could live my life for a day and see what it's like."... When an abuse woman encounters humane, intelligent responses from officials who are informed on the subject of abuse, not only is her external freedom promoted but her inner feelings are validated, helping to keep her spirit alive. She walks away thinking, Maybe everything isn't the way he says it is. Maybe some people do care. Maybe I'm not so bad as to deserve being torn down all the time. Maybe he can't fool everybody."

As seen in Bancroft's analysis, it is the social norms in society which in fact are the most instrumental in supporting and encouraging an abuser to continue with his abuse. This is why policies which criminalize domestic violence are all too often back-firing and reinforcing the abuse rather than combating it.

It should also be noted in reference to Bancroft's text above, that the *American Dream* (in its idealized, ideal state, at least) is based on a strong work-ethic—an ethic which finds its roots in the puritanical work ethic of the 15-16th centuries. The religion, and their ideologies, were developed in part, as a *backlash* to the excesses of the Catholic Church during the *Inquisition*—and date back to the *Puritan Manifesto* which challenged not only Catholic Church dictates, but also the monarchy, Elizabeth I. It is often speculated that modern human rights theories and doctrines originate with that period in England, and the challenge to authority of Fields and Wilcox, authors of *Admonition to Parliament*³⁰.

Examples abound throughout history; when societies promote strong work-ethics, honesty, integrity, etc. they are ultimately more successful and productive than societies which promote violence, corruption, terror, greed, waste, laziness, etc. Yet due to our failure in the past fifty years to integrate and implement the wealth of knowledge that the social sciences have produced in the past century (in a holistic, integrated manner), societies are perpetually “stuck” in the antiquated, rigid-hierarchies of the past – and therefore, failing to move forward under a human rights framework and approach.

Our educational and socialization systems are all so sadly antiquated and lacking in the ability to stimulate the intellectual curiosity amongst our young (and our populations) that they are in great part responsible for the inability of people to implement the theories and concepts they learn in schools into their lives as adults. The human animal is born with an enormous capacity to understand, and a curiosity that propels that *capacity to understand* to its maximum—this is what essentially distinguishes us from other animals. Our antiquated educational and socialization systems do more to destroy the innate curiosity of our young, than they do in teaching children to utilize their curiosity to guide themselves towards productive and fulfilling lives—in the public and private sphere. (If societies would change their socialization process, then Keynesian economics would work perfectly—or near perfectly. The problem with Keynesian economics,

³⁰ “Admonition to Parliament, Puritan manifesto, published in 1572 and written by the London clergymen John Field and **Thomas Wilcox**, that demanded that Queen Elizabeth I restore the “purity” of New Testament worship in the Church of England and eliminate the remaining Roman Catholic elements and practices from the Church of England. Reflecting wide Presbyterian influence among Puritans, the admonition advocated greater direct reliance on the authority of the Scriptures and also church government by ministers and elders rather than by a higher order of clergy (bishops). The Queen, however, resisted this document. The authors were imprisoned and the leader of the Presbyterians, Thomas Cartwright, was forced to flee England after publishing “A Second Admonition to Parliament” in support of the first. The clergy who refused to conform to the compulsory form of worship that had been promulgated by Elizabeth in 1559 (as the Act of Uniformity) lost their pulpits or were imprisoned.” <http://www.britannica.com/topic/Admonition-to-Parliament>

and its derivatives, is that they are based on assumptions of a perfect world, in a very, very imperfect world—and thereby gets lost in translation.) If one starts to examine the rates of *failure-to-implement* (~70%), it is clear that the key to successful implementation of *change* is not new technology or sophisticated management systems, but rather in the **human factor—and specifically cultural and behavioral change during transformational projects**. And, more comprehensive understanding of people, with all their human fallacies, and how they interact and network in order to contribute to the movement of the *Keynesian invisible hand* which guides societies, and their economies.

Effective Organizational Change: Leading Through Sensemaking by Einar Iveroth, Jacob Hallencreutz

The studies of success and failure are often connected to the examination of a popular and contemporary concept that is used as a reason for change. For instance, according to Helms-Mills et al. (2008), the statistics suggest that 75 percent of all studied American Total Quality Management (TQM) initiatives during the last decade failed. Studies of TQM in European countries found a failure rate of 70 percent or more (Burnes 2009). A study of major European, Asian and North American companies by Bain & Co. found failure rates of between 40 and 80 percent (Berggren and Lindvist 2001; Burnes 2009). Zook and Allen (2001) learn that between 80 and 90 percent of organizations fail to execute their strategies. It is also claimed that 70 percent of all Balanced Scorecard implementations fail (De Waal and Counet 2009). The concept of Business Process-RE-engineering scores no better, with failure rates between 60 and 80 percent reported (Bryant 1998). Some scholarly research has been carried out on Six Sigma's influence on management theory and application (Goffnett 2004; Schroeder et al. 2005) and the deployment of Lean seems to follow the general trend--studies indicate failure rates around 80 percent (Bhasin and Burcher 2006).

Most recent studies reveal the crucial role of cultural and behavioral change during transformational projects (Iveroth 2011; Iveroth and Bentsson 2014; Jorgensen et al 2009). The underlying mechanisms of behavioral and sociocultural aspects of organizational must not be underestimated. Organizations are complex social systems. Change management, by means of models, must also construct meaning, and meaning lies in sensemaking and not in external elements (Lythcott and Duschl 1990). Oakland and Tanner (2007) emphasize that people are the essential contributor to successful change, and managing change within the culture is important. According to a survey conducted by The Economic Intelligent Unit (2008), a root cause of failure is that management fails to win over the hearts and minds of the people in the organization. The lack of contextual knowledge and ability to understand the human response to change leads to change leaders who are unable to handle resistance and overcome obstacles (Andrews et al. 2008). Effective Organizational Change: Leading Through Sensemaking by Einar Iveroth, Jacob Hallencreutz

Therefore, from a socio-anthropological perspective, what is needed is to re-establish a balance between the social and economic interests within societies. Under the present situation, when

women move into the work-force *en masse* (coupled with, or followed by, widespread loss of care-giving services provided by religious actors) there is a systematic *migration* of interests from social to economic ones. This creates an imbalance in the *socio-economical invisible hand* equation—and thereby, society. So what policy-makers need to do is re-establish the balance between care-giving and economic/commercial interests through fiscal, monetary and socio-political measures, as well as by societies moving away from charity policies and programs to socio-economic development amongst it children, as well as adults. At present social programs, and social *visions*, focuses too much on helping the poorest of the poor with daily subsistence issues, rather than empowering women as a global homogenous group to help them help themselves, and thereby break cycles of poverty and abuse.

Women do not want charity, they simply want what is theirs; recognition for the function they play in society, recognition for the valuable work they do, and their just due with society in their contract with that society. **Anything less is to relegate homemakers to the status of slave.**

It is consistently shown that as a homogenous group women are the back-bone and motor of their families, communities, and society. In times of hard-ship (as well as prosperity) it is often the women who those who move their families and communities forward. While the contribution of women has rarely been recognized officially, many societies have developed cultural norms and traditions which placed women, and mothers, in a particularly “protected” role. We find remnants and examples of this *benevolent matriarch* in traditions and symbols around the world (and was the root of the *tender-years doctrine* of Western family courts in the early 20th century).

However, in the past decades, social conservatives have attacked and *villainized* the image of women in the media, cinema, literature, political arena etc., portraying women as greedy, immoral, parasites on their husbands, families, and societies. Women of today are considered either “shameful” because they are “greedy, narcissists” who have “abandoned” their children to work outside the home; or they are “shameful” because they “live off the sweat of the brow of the breadwinner” if they work inside the home (for no remuneration). If there was a more appropriate understanding and appreciation of women, and women’s function inside the home and family (amongst the general public, as well as the legal community), women’s contribution to society would not be so fundamentally devalued by everyone. At present, it is not *women* who need to be made aware of their value or worth in society (and therefore their right to speak out against injustices), but rather societies who need to be made aware of something *We* already know. *We*, with our *networking abilities* and *Radar in life*, are the illusive *invisible hand* that economist and theologians have been talking about for centuries. If the global community wishes to put *People* at the forefront of sustainable development goals, a greater awareness and consciousness of how societies are structured and function is absolutely essential. The present global debate is mired and defined by decades of falsities, rumors and misinformation produced and distributed to the media and general public by social conservatism, and their superior economic and financial power.

The Rise of Social Conservatism

Backlash to Feminism

In order to combat social conservatism, it is important to go back and examine when and where it took root. Susan Faludi, journalist and author, explains the backdrop and dynamics of the rise of social conservatism/right-wing extremism in the USA in her book *Backlash: The Undeclared War Against American Women* (1991),

While the New Right movement failed to enact many of the specific legislative measures on its list, it made great strides in the wider—and, in the Reagan and Bush years, increasingly more important—realm of public relations... As a new Right minister put it to his fellows at an early strategy session at the Heritage Foundation: “We’re not here to get into politics. We’re here to turn the clock back to 1954 in this country...” [and] it seemed [that] sentiments began to seep into mainstream culture, the hands of time were indeed starting to inch counterclockwise.

If contemporary backlash had a birthplace, it was here within the ranks of the New Right, where it first took shape as a movement with a clear ideological agenda. The New Right leaders were among the first to articulate the central argument of the backlash—that women’s equality is responsible for women’s unhappiness. They were also the first to lambast the women’s movement for what would become its two most popularly cited, and contradictory, sins: promoting materialism over moral values (i.e., turning women into greedy yuppies) and dismantling the traditional familial support system (i.e., turning women into welfare mothers). The mainstream would reject their fevered rhetoric and hell-fire imagery, but the heart of their political message survived—to be transubstantiated into the media “trends.”

“Backlash politics,” political scientists Seymour Martin Lipset and Earl Raab observed in their study of this periodic phenomenon in modern American public life, “may be defined as the reaction by groups which are declining in a felt sense of importance, influence, and power.” Unlike classic conservatives, these “pseudoconservatives”—as Theodore Adorno dubbed the constituents of such modern right-wing movements—perceive themselves as social outcasts rather than guardians of the status quo. They are not so much defending a prevailing order as resurrecting an outmoded or imagined one...

The New Right movement has its counterparts in the last several backlash eras: the American Protective Association of the late 19th century, the Ku Klux Klan revival and Father Coughlin’s right-wing movement in the ‘20s and ‘30s, the John Birch Society’s anticommunist campaign in the postwar years. The constituents of these crusades were failing farmers who could no longer live off the land, lower-middle-class workers who could not support their families or rural fundamentalists in a secular urban nation. They found their most basic human aspirations thwarted—the yearning to be recognized and valued by their society, the desire to find a firm footing on an unstable economic ladder. If they couldn’t satisfy these fundamental needs, they could at least seek the bitter solace of retribution. As Conservative Caucus founder Howard Phillips declared, “We must prove our ability to get revenge on people who go against us.” The New Right’s

prime fundraiser Richard Viguerie vowed to “do an awful lot of punishing.” If they weren’t going to be rewarded in this life, they could at least penalize the people who they suspected had robbed them of a good fortune. Every backlash movement has had its preferred scapegoat: for the American Protective Association, Catholics filled the bill. For Father Coughlin’s “social justice” movement, Jews. For the Ku Klux Klan, of course, blacks. And the for the New Right, a prime enemy would be feminist women.

In 1980, [Paul] Weyrich was among the first of many New Right leaders to identify the culprit. In the Conservative Digest, he warned followers of the feminist threat:

[T]here are people who want a different political order, who are not necessarily Marxists. Symbolized by the women’s liberation movement, they believe that the future for their political power lies in the restricting of the traditional family, and particularly in the down-grading of the male or father role in the traditional family.

...When the New Right men entered national politics, they brought their feminists witch-hunt with them... [Jerry] Falwell advised. Feminists were undermining the military and now advancing on international affairs. In Listen, America!, Falwell outlined a global feminist conspiracy—a sinister female web of front organizations spreading its tentacles across the free world. Even the 1979 International Year of the Child had “a darker side,” he maintained: the event was a back door through which scheming socialist-minded women’s-rights activists had “gained access to a world-wide network of governments.”

Mandate for Leadership, the Heritage Foundation’s 1981 master plan for the Reagan administration, warned of the “increasing political leverage of feminist interests” and the infiltration of a “feminist network” into government agencies, and called for a slew of countermeasures to minimize feminist power. Mandate for Leadership II, three years later, was equally preoccupied with conquering the women’s-rights campaign; its authors asserted, “The fight against comparable worth must become a top priority for the next administration.”...

“Feminism kind of became the focus of everything,” Edmund Haislmaier, a Heritage Foundation research fellow, recalls. As an economic conservative who did not share his colleagues’ desire for a regressive social revolution, Haislmaier came to observe the in-house antifeminist furor with an uneasy detachment.

In retrospect, I’d have to say they blamed the feminists for an awful lot more than they actually deserved. The women’s movement didn’t really cause the high divorce rate, which had already started before women’s liberation started up. The feminists certainly didn’t have anything to do with disastrous economic policies. But the feminists became this very identifiable target. Ellie Smeal [former president of the National Organization for Women] was a recognizable target; hyperinflation and tax bracketing were not.

Setting the Antifeminist Agenda

Soon after the New Right scored its first set of surprise victories in Congress, and ebullient Paul Weyrich assembled his most trusted advisers at the Heritage Foundation. Their mission: draft a single bill that they could use as a blueprint for the New Right program. It would be their first legislative initiative and an emblem of their cause. They would call it the Family Protection Act. But the bill they eventually introduced to Congress in 1981 had little to do with helping households. In fact, it really had only one objective: dismantling nearly every legal achievement of the women's movement.

*The act's proposals: eliminate federal laws supporting equal education: forbid "intermingling of the sexes in any sport or other school-related activities"; require marriage and motherhood to be taught as the proper career for girls; deny federal funding to any school using books portraying women in nontraditional roles; repeal all federal laws protecting battered wives from their husbands; and ban federally funded legal aid for any woman seeking abortion counseling **or a divorce**. The bill was largely written in the negative; in its long list of federal programs to rescind, the act offered only one real initiative of its own—new tax incentives to induce married women to have babies and stay home. Under this provision of the bill, a husband could set up a tax-deductible retirement fund if his wife earned no money at all that year. Evidently, even a Tupperware-hawking homemaker was suspect.*

Other "family" legislative proposals from the New Right would follow in the next several years, and they were virtually all aimed at slapping down female independence wherever it showed its face: a complete ban on abortion, even if it meant the woman's death; censorship of all birth control information until marriage; a "chastity" bill; revocation of the Equal Pay Act and other equal employment laws; and, of course, defeat the Equal Rights Amendment.

In the 1980 election, the New Right would figure in the national presidential campaign almost exclusively on the basis of its opposition to women's rights. Their most substantial effect on the Republican party was forcing its leaders to draft a platform that opposed legal abortion and the Equal Rights Amendment—the first time since 1940 that ERA failed to receive the GOP's endorsement....

Yet strangely, most chroniclers of the New Right's errand into the capital—supporters and opponents alike—characterized feminism as a "fringe" issue. Press accounts, even those emanating from liberal and leftist journals, generally presented the right-wing movement's opposition to abortion and the ERA as distracting sidelights to the meatier, more "important" policy aims—decreasing government regulation, cutting the budget, bolstering defense...

..."For twenty years, the most important battle in the civil rights field has been for control of the language," Mandate for Leadership II asserted especially, such words as "equality" and "opportunity." The secret to victory, whether in court or in congress, has been to control the definition of these terms." By relabeling the terms of the debate over equality, they discovered, they might verbally finesse their way into command. By

switching the lines of power through a sort of semantic reversal, they might pull off a coup by euphemism. And in this case, words would speak louder than actions.

Under this linguistic strategy, the New Right relabeled its resistance to women's newly acquired reproductive rights as "pro-life"; its opposition to women's newly embraced sexual freedom became "pro-chastity"; and its hostility to women's mass entry into the work force became "pro-motherhood." Finally, the New Right renamed itself—its regressive and negative stance against the progress of women's rights became "pro-family." Before, the anti-ERA group Eagle Forum had formally dubbed itself "An Alternative to Women's Lib." But after the 1980 election, it changed its motto to "Leading the Pro-Family Movement Since 1972. Before, Weyrich had no choice but to describe his enemy as "women's liberation." But now, Weyrich could refer to his nemesis as "the antifamily movement." Now he was in charge—and the feminists would have to react to his program.

This Orwellian wordplay not only painted the New Right leaders out of their passive corner; it also served to conceal their anger at women's rising independence. This was a fruitful marketing too, as they would draw more sympathy from the press and more followers from the public if they marched under the banner of traditional family values. In the '20s, the Ku Klux Klan had built support with a similar rhetorical maneuver, downplaying their racism and recasting it as patriotism; they weren't lynching blacks, they were moral reformers defending the flag.

The New Right leaders' language was, in many respects, as hollow as the Klan's. These "pro-life" advocates torched inhabited family-planning clinics, championed the death penalty, and called the atom bomb "a marvelous gift that was given to our country by a wise God." These "pro-motherhood" crusaders campaigned against virtually every federal program that assisted mothers, from prenatal services to infant feeding programs. Under the banner of "family rights," these spokesmen lobbied only for every man's right to rule supreme at home—to exercise what Falwell called the husband's "God-given responsibility to lead his family."

Ladies in Retirement

While the "pro-family" strategy allowed the New Right men to launch an indirect attack against women's rights, they also went for the direct hit—using female intermediaries. When they wanted to lob an especially large verbal stone at feminists, they ducked behind a New Right woman. "Women's liberationists operate as Typhoid Marys carrying a germ," said the most famous spokeswoman, Phyllis Schlafly. "Feminism is more than an illness," asserted Beverly LaHaye, founder of the New Right's Concerned Women for America. "It is a philosophy of death." In time-honored fashion, antifeminist male leaders had enlisted women to handle the heavy lifting in the campaign against their own rights. (p. 247-251)

Ms. Smith Leaves Washington: The Backlash in National Politics

... with Ronald Reagan's election, women began disappearing from federal office.

On the bench, new female judicial appointments fell from 15 percent under Carter to 8 percent. The number of female appointees requiring Senate confirmation plunged, too, making Reagan the first president in more than a decade not to better his predecessor's record. On the White House staff, the number of women appointed dropped from 123 in 1980 to 62 in 1981. In fact, even 62 was an inflated figure; the Reagan administration padded the numbers by suddenly labeling women in lower-ranking government career jobs—such as third-level assistant secretary posts—“political appointments.”

At the start of Reagan's second term, without reelection pressures to inspire even nominal equal opportunity efforts, the administration immediately discontinued both the Coalition on Women's Appointments and the Working Group on Women. Appointed women's numbers fell even more steeply, and for the first time since 1977, not one woman ranked high enough to attend the daily senior staff meetings or report to the president. At the Justice Department in 1986, Ed Meese had yet to hire a woman as a senior policymaker two years after taking office—in spite of federal regulations requiring the department to set such hiring goals. The Federal Women's Program, established in 1967 to recruit women to government agencies, was essentially disbanded: its recruitment coordinators at the various federal agencies were either assigned other duties, stripped of their budgets, or quietly laid off. “Each year, our budget has been cut and it was cut again this year,” Betty Fleming, the personnel management specialist who was second in command in the Federal Women's Program central office in 1991, explains. But, she says, she wasn't complaining; they didn't need the funds, because “We're just going to meet and talk.” Finally, as part of Reagan's Paperwork Reduction Act, the federal government quit collecting most recruitment statistics on women altogether. Now the federal government could quit seeking women—and no one would be the wiser.

The few women who did slip past the no-girls-allowed sign on the White House lawn didn't exactly feel at home. U.N. ambassador Jeane Kirkpatrick had a revelation one day while sitting in the Situation Room, surrounded by a sea of white male faces.... She left government with this conclusion: “Sexism is alive.”

Faith Whittlesey received the “highest” female post on the Reagan White House staff: assistant to the president for public liaison, giving lip service to women's children's issues. The Reagan administration, she asserted, would aid women by seeing to it that men earned a higher “family” wage, so “all those women can go home and look after their own children.”...

The New Right women who received political appointments typically landed in posts that either came with inflated titles but no authority or required them to carry out the administration's most punitive antifeminist policies....

...If the Reagan climate in Washington was chilly New Right women, it was poisonous for feminists: they became targets of a purge incited by the New Right. When the Heritage Foundation's 19981 Mandate for Leadership itemized the federal programs it wanted cut or eliminated, on its top priority list was an agency “dominated” by feminists....

...And in with the Fathers

The Department of Education, which had started in the campaign to usurp the feminists, now directed the effort to crown the fathers. If the “pro-family” movement was “pro” anything, it was paternal power.

The White House based the “family policy” office in the Education Department, a logical enough choice for an administration that viewed “family policy” as a series of didactic lectures, not a program offering the family economic, medical, or legal assistance. As Gary Bauer, who would become the department’s family-policy czar, told civil-rights leaders: “The values taught on the ‘Cosby’ show would do more to help low-income and minority children than a bevy of new federal programs... [A] lot of research indicates that values are much more important, say, than the level of welfare payments...

Bauer spent his first two years trying to silence the Education Department’s remaining moderates, who insisted on talking to the press without his permission. Bauer finally advanced to director of the Office of Policy Development, only to discover that the office’s purposes primarily involved public relations. When the administration handed him yet another window-dressing assignment, chairman of the 1986 task force on the family, Bauer exploded. His petulantly worded fifty-two-page report was, as Senator Daniel P. Moynihan remarked at the time, “less a policy statement than a tantrum.”

“The Family: Preserving America’s Future” opens, aptly enough, with a quote from that late Victorian champion of endangered masculinity, Teddy Roosevelt: “If the mother does not do her duty, there will either be no next generation, or a next generation that is worse than none at all.” Bauer’s report proceeds to excoriate all manner of independent women who aren’t doing their duty: women who work, women who use day care, women who divorce, women who have babies out of wedlock. In the world according to Bauer, wives are forever abandoning their husbands and children, throwing away their marriages “like paper towels.” The report justifies this position not with statistics but with a newspaper cartoon, in which a bride tells her groom, “I’m sorry, Sam, I just met my dream man in the reception line.” Even female poverty is the woman’s fault; “more and more,” he writes, female financial problems “result from personal choices” like seeking a divorce or bearing illegitimate children. Of the offspring of these broken homes, Bauer concerns himself only with the fate of the sons (a one-gender fixation typical of New Right writings on the subject). He decries the “far more detrimental effects of divorce on boys than on girls” – as if divorce would matter less if it were the girls who suffered more.

Bauer’s “recommendations” to save the family read more like a list of punishments for girls and mothers: bar young single mothers from public housing; revive old divorce laws to make it harder for women to break the wedding bonds; deny contraceptives to young women. On the other hand, he proposed prizes for women who follow his dictates. Mothers who stay home, he suggests, should get tax breaks; the more babies, the more credits.

"We're running at 1.8 children per woman in this country," Bauer says darkly, on a spring afternoon in the final year of Reagan's tenure... "That's below replacement level," Bauer warns of the impending birth dearth. "There are going to be serious consequences for free society if we continue down this path." Who's to blame? "Militant feminists who seemed to hold sway ten years ago couldn't help but have a negative influence on the family." The evidence? "Take Kramer vs. Kramer. There's that poignant letter the mother leaves behind addressed to her son, where she says, "That's not all there is in life. Mommy has to do some other things" I think that was a real symbol of the times. An excuse for women to run out on their responsibilities.

...Gary Bauer never made much headway with his legislative program to promote homemaking. The \$5,000 personal tax exemption he envisioned for families with housewives would have cost the deficit-stricken government about \$20 billion a year in lost tax revenues. But while New Right men like Bauer lost many of their bureaucratic battles, they would eventually win the war of the national agenda. In that struggle, the 1984 presidential election figured as a crucial turning point—the Democratic party's last stand for women's rights.

...Protecting the interests of the families and children, of course, belongs in any comprehensive vision of social welfare. And the efforts of women's groups to aid the family were legitimate, necessary—and far more sincere than the "save the family" cant recited by so many disingenuous presidential candidates.. [] But by allowing themselves to be restricted to family issues alone, women in politics wound up hamstrung and pigeonholed. By "choosing" to neglect women's issues for the sake of the family cause, female politicians succumbed to yet another of the backlash's you-can't-have-it-all axioms. Women could only ask for child care and parental leave by not asking for educational opportunities, pay equity, and reproductive freedom. Not only was this unfair, the half-a-loaf strategy didn't even work. All the child care and parental leave bills that year were defeated.

As the "pro-family" ideology expanded into the center of American politics, it pushed women to the fringes. By the end of the decade, the vanishing act had become so accepted that it barely attracted notice. While women's status in politics received a tangible amount of press coverage in early- '80s elections news, the media's interest evaporated by the decade's final presidential race. (ch. 10)

Chapter 11: The Backlash Brain Trust: From Neocons Neofems

The New Right's Leaders could never have marketed the backlash alone... The backlash's emissaries reported from all scholarly outposts; they were philosophers invoking the classics, social scientists brandishing math scores, and anthropologists claiming aboriginal evidence of women's proper place. But they weren't just academic authorities. They were also popular writers and speakers; they were mentors in the men's and even women's movements. These middlemen and women did not ally themselves with any single ideological camp, either; indeed, their endorsements helped spread antifeminist sentiments across the political spectrum. While at the start of the decade, the most

celebrated of them were neoconservative commentators, by the decade's end, theoreticians who identified with liberal and leftist causes crowded onto the backlash dais, too. By the early '90s, Reaganite author George Gilder ceded the platform to leftist intellectual Christopher Lasch, who was castigating pro-choice women and calling for a constitutional ban on divorce for couples with children.

While a few of these thinkers openly denounce women's demand for equality, most professed neutrality. They were engaged in a philosophical, not a personal, discourse over female independence...

The donnish robes of many of these backlash thinkers cloaked impulses that were less than scholarly. Some of them were academics who believed that feminists had cost them in advancement, tenure, and honors; they found the creation of women's studies not just professionally but personally disturbing and invasive, a trespasser trampling across their campus lawns. Some of them were writers who believed feminist authors and editors had overshadowed their literary careers or monopolized the publishing industry. Others were theorists trying to come to terms with very untheoretical changes in their own domiciles and marriages. Still others were political tacticians fighting unresolved, decade-old personal battles with women's rights organizations or brooding over real and imagined slights from feminist leaders. And many others were simply publicity seekers, looking to restore former fame that they had originally won by taking a stand in favor of women's rights.

The brief cameo that follows... offer [] a sampler of anointed spokespersons—thumbnail sketches of some lofty experts who could also be frightened or confused people, bluffing or blowharding or bullying their way through a trying and bewildering time of change...

But in 1981, Gilder finally became a literary success by harnessing his career to Ronald Reagan's... Gilder became a Reagan speechwriter, helped script Reagan's acceptance address, and, most famously, produced a book that would blueprint the new administration's supply-side economics and budget-cutting scheme—a scheme that, notably, took a disproportionate and devastating hit on female heads of household. While 'Wealth and Poverty' was most widely characterized at the time as a broadside against liberals and their legacy, what went less recognized was the book's attack on members of another political group: this Gilder work delivered more than a few kicks in the pants to feminists and their handiwork, too.

Overnight, the unheralded and unwealthy free-lance writer became the intellectual darling of the Reagan administration—and went from poverty to wealth. Reagan's men acted as indefatigable patrons and publicity agents for 'Wealth and Poverty.' Reagan campaign chairman William Casey supplied financial support during the writing stages and Reagan's budget director David Stockman peddled the book and even proposed handing it out to cabinet members in front of the press. All the promotion paid off: 'Wealth and Poverty' sold more than a million copies.

While book critics at the time focused exclusively on ‘Wealth and Poverty’s economic message,³¹ Gilder continued his war on independent women in its pages. In fact, he widened it. ‘Wealth and Poverty’ blames the women’s movement not only for single men’s failure to marry but for married men’s failure to prosper. When wives march purposefully to work, the book changes, they reduce their husband to useless cripples: “The man has the gradually sinking feeling that his role as provider, the definitive male activity from the primal days of the hung through the industrial revolution and on into modern life, has been largely seized from him.” The women’s movement, in Gilder’s view, has undercut the male provider twice—first, directly, by encouraging women to work, and then, indirectly, by championing social welfare programs that allow wives to survive without their husbands. First, feminist horned in on men’s role as breadwinners, he writes, then they saw to it that men were “cuckolded by the compassionate state...

Allan Bloom’s ‘The Closing of the American Mind’ dedicates page after page to an assault on the women’s movement. Whether he’s deploring the state of scholarship, the emasculating tendencies of music, or the transience of student relationships, the baleful influence he identifies is always the same: the feminist transformation of society that has filled women with demands and desires and depleted men of vim and vigor. “The latest enemy of the vitality of the classic texts in feminism,”... Bloom’s other bête noire, is cast as a mere warm-up exercise to the “grimmer” rule of feminist tyranny. “The July 14 of the sexual revolution,” he writes, “was really only a day between the overthrown of the Ancient Regime and the onset of the Terror.”

Very little in Bloom’s treatise actually pertains to slipping educational standards; very much space, on the other hand, is devoted to a prolonged rant against the rising female Terror. “The feminist project,” he warns, has unleashed “a multitude of properly indignant censors equipped with loudspeakers and inquisitional tribunals” and “a man pays a high price” for violating their edicts. “Feminism has triumphed over the family,” led to “the suppression of modesty,” rearrange sex roles “using force,” made it so a woman “can easily satisfy her desires and does not invest her emotions in exclusive relationships,” and enabled women to bear children “on the female’s terms with or without fathers.” In short, feminism has freed women from the dictates of the male will “so that [women] can live as they please” —a development that this scholar deems a serious problem.

³¹ https://en.wikipedia.org/wiki/George_Gilder - Inspired by Wanniski and by the works of free-market economists like Milton Friedman and F.A. Hayek and novelist Ayn Rand.^[6] Gilder wrote a book extending the ideas of his *Visible Man* (1978) into the realm of economics, to balance his theory of poverty with a theory of wealth.^[2] The book, published as the best-selling *Wealth and Poverty* in 1981, communicated the ideas of supply-side economics to a wide audience in the United States and the world.^[8] Gilder also contributed to the development of supply-side economics when he served as Chairman of the Lehrman Institute’s Economic Roundtable, as Program Director for the Manhattan Institute, and as a frequent contributor to Arthur Laffer’s economic reports and the editorial page of *The Wall Street Journal*.^[9]

Bloom's was only the most notorious of may "decline of America" tomes that hit the bookstores in the late '80s. Like the producers of a similar outpouring in the late 19th century, the learned authors of these alarmist texts wrote darkly of America's dropping educational scores, deteriorating moral values, and flagging economic prowess—and, one way or another, they found a way to blame feminism, at least partially, for these national tribulations. In 'The True and Only Heaven,' Christopher Lasch sees "the unwholesomeness... of our way of life" highlighted in the feminist insistence on "freedom of choice," the feminist challenge to traditional marriage, and the feminist "propaganda for unlimited abortion." In 'Tenured Radicals: How Politics Has Corrupted Our Higher Education,' Roger Kimball indicts the women's movement in the very first page. "Radical feminism," he warns, is "the single biggest challenge to the canon." Feminist studies has become "the dominant voice in the humanities departments of many of our best colleges and universities," to the grave detriments of many of our best colleges and universities," to the grave detriment of American intellectual life. Feminist scholars are intimidating universities into hiring other feminists, and their object is nothing less than the destruction of the values, methods, and goals of traditional humanistic study." By 1991 in California, about one hundred professors who shared this view had formed the California Association of Scholars; the group railed against the women's studies programs, claimed that efforts to enroll and hire women and minorities were destroying academic standards, and rallied around University of California anthropology professor Vincent Sarich, who had incensed female and minority students with his denunciations of affirmative action and his "scholarly" speculation that women had smaller brains than men....

In 'The Closing of the American Mind,' his lament about the "decay of the family" is, like the New Right's, really a lament over lost traditional male authority in the home and in public life, an authority that he believes is violently under attack. He writes wistfully of the days when it was still believed that "the family is a sort of miniature body politic in which the husband's will is the will of the whole." He is upset about wives who cavalierly ditch their husbands under the liberalized divorce laws, and daughters who are under "less supervision in their relations with boys than at any time in history."

At times Bloom sounds almost nostalgic for the days when men were free to have their way with women without fear of censure. He suggests that talk of violence against women is... just talk. "Women, it is said," he writes in Commentary, in a tone of high skepticism, "... are raped by their husbands as well as by strangers, they are sexually harassed by professors and employers at school and work." And feminists, he writes with mounting irritation, want all these so-called crimes to be "legislated against and punished." There's one place, at least, where the traditional balance of sexual power is still preserved—pornographic magazines. Feminists are against pornography, he writes, not because they object to its humiliating and violent depictions of women but only "because it is a reminiscence of the old love relationship, which involved differentiated sexual roles." ..

In his 1988 book, 'Feminism and Freedom,' philosopher professor Michael Levin characterizes feminism as an "antidemocratic, if not totalitarian, ideology" without a single redeeming feature. "Surely no body of ideas is wrong about everything, as I imply feminism is," he writes, "Yet while feminism may have accomplished some good per accidents, I would no more pander to the reader by straining to praise raped crisis centers than I would strain to praise the punctuality of trains under Mussolini were I discussing fascism."

Levin's work sets forth the standard tenets of '80s backlash "scholarship." He makes the following key assertions: (1) Women with successful careers sacrifice marriage and motherhood. (2) Sex roles are innate: women naturally prefer to cook and keep house, and men naturally don't. (3) Men are better at math.....

Repetitive?

Sylvia Ann Hewlett: The Neofeminist's Lesser Work

"I grew to understand why Phyllis Schlafly was appealing," Sylvia Ann Hewlett, a member of the Council of Foreign Relations and other think tanks, says. The author of A Lesser Life: The Myth of Women's Liberation in America... "I realized that the ERA, though it might appeal to the elite and chic women who belong to NOW, might actually get in the way of helping ordinary women."

Hewlett explains how she reached her revisionist view of feminism, "I used to be quite active in the women's movement," she says... "In a profound way, feminists have failed to connect with the needs and aspirations of ordinary American women." They failed to understand that "many homemakers did not want to be treated equally." And finally, she says, "When you add in the legitimate fears of blue-collar women that they would lose their hard-won protective benefits, you have a powerful constituency ranged against ERA."

*When did Hewlett, who was living at the time at a fashionable Manhattan address with her investment banker husband, come into contact with these ordinary women?... [who claimed that the] **"Women's liberation wants to liberate us from the very institution what is most indispensable to overcoming our present social crisis: the family."***

Based on these informative encounters with the average woman in the street. Hewlett concludes that feminism has gypped her sex. "The American [women's] movement has defined the problem of womenkind as that of acquiring a full set of legal, political, and economic rights, and achieving control over one's body." But most American women, she asserts, don't want equality, personal or sexual freedom: they "want to strengthen, not weaken the traditional family structure." By concentrating on equality instead of maternity, feminists made "one gigantic mistake." The women's movement actually created "a lesser life" for women by failing to champion the needs of working mothers and their children. Feminism "threw the baby out with the bathwater."

Playing up this “mistake,” especially with her supposedly “feminist” credentials, guaranteed Hewlett immediate attention from the backlash mass media... A Lesser Life did not become a major seller. But they weren’t wrong to anticipate huge press enthusiasm for such revisionist fare; the book became an instant media event... And [Hewlett] became a national authority on family policy—“Senator Moynihan, Governor Cuomo, and Representative Oaker have sought my counsel”—the governor of Arizona appointed her to a family-welfare panel and the Woman’s National Democratic Club tapped her for the keynote address.

For the next several years, hundreds of journalists, hundreds of journalists, newscasters, and columnists would invoke Hewlett’s work whenever they wanted to underscore the tragic consequences of feminism. Her attack on the women’s movement earned her a showcase in every press outlet from the New York Times to People to “Donahue.” Even the National Enquirer was intrigued; the tabloid featured the book’s incredible findings under the headline “Gals Are Being HURT—Not Helped—By Women’s Lib.”

Hewlett indicts the women’s movement on three counts. Feminists failed women by (1) promoting the Equal Rights Amendment, (2) pushing for no-fault divorce laws, and (3) ignoring motherhood. Maybe the Enquirer coverage should have been a clue; her “facts” were often closer to tabloid fare.

“It is sobering to realize that the ERA was defeated not by Barry Goldwater, Jerry Falwell, or any combination of male chauvinist pigs, but by women who were alienated from a feminist movement[,] the values of which seemed elitist and disconnected from the lives of ordinary people,” she writes. The majority of women opposed the ERA, she says, because it would have eliminated homemakers’ rights to be supported by their husbands and working women’s right to “hard-won protective benefits,” such as “extra rest periods and better rest rooms.”

To support these assertions. Hewlett quotes almost exclusively from one source: Eagle Forum’s Phyllis Schlafly, who directed the Stop ERA program...

Hewlett says women opposed the ERA because they knew it would cost them in marital support and “protective labor benefits.” But the ERA would have had no effect on these supports other than to make them sex blind, as most state laws had already stipulated anyway. Half of the states didn’t require husbands to support their wives—and, as any abandoned wife could have told her, the states that did have such provisions hardly enforce them. As for protective labor benefits, the courts had already eliminated them—having found them to be in violation of women’s civil rights. These laws had served historically to protect not women but men’s jobs, by shutting women out of higher paying occupations. And it was blue-collar women who petitioned the courts to overturn these “benefits.”

Ultimately, the people who defeated the ERA were not ordinary women but a handful of very powerful men in three key state legislatures. These were men who opposed the ERA not because it would hurt women’s traditional protection but because it challenged their

own belief that, as one of the key state legislators put it, “a woman should serve her husband.”

Hewlett’s final allegation is the most widely quoted. The women’s movement, she charges, “revile” and “rage at” mothers and children; ‘70s feminists gave “bottom” priority to child care and failed even to take up the cause of maternity leave.

The last piece of evidence Hewlett offers to support the movement’s “antimotherhood” bias is strictly personal. She lingers over the story of her own battles to balance child care and career while teaching economics at Barnard College, a one-woman struggle that, she concludes, was a likely factor in her failure to win tenure. Feminists at the university, she tells us, were “less than enthusiastic about families,” afforded her no sympathy while she was pregnant, “were opposed to any kind of maternity policy,” and looked down on the committee she says she formed to campaign for maternity leave at the college, accusing her at Women’s Center, she says, took her aside later and “apologetically explained to me that maternity leave was a divisive issue among feminists.” Hewlett recalls thinking at the time: “If this was the other side of the coin of liberation,... heaven help the working mother. It was clear our sisters wouldn’t.”...

Jane Gould, the director of the Barnard Women’s Center at the time, was baffled when she read this section of Hewlett’s book. Hewlett, Gould says, didn’t play a central role in the Barnard women’s campaign for a maternity leave policy and the few female professors who opposed that campaign weren’t even feminist: “the feminists were the ones who formed the committee on maternity leave,” Gould says. “Sylvia never even set foot in the women’s center.”

On the national front, the real “antimotherhood” crusaders weren’t feminists, either; they were New Right leaders, conservative politicians, and corporate executives, who not only ignored mothers’ rights but attacked them. It was, after all, Phyllis Schlafly, not Gloria Steinem, who led the opposition to congressional child care and maternity leave bills for two decades. It was the Chamber of Commerce, not the National Organization for Women, that was the single most effective force behind the defeat of the 1988 Family and Medical Leave Act. (The Chamber triumphed largely by claiming that the legislation would cost businesses at least \$24 billion a year; the General Accounting Office later put the cost at about \$500 million.)

Governmental and corporate indifference to the rights of working mothers would eventually become painfully apparent to Hewlett, too, when she tried to organize a family policy panel at the Economics Policy Council, a New York think tank. Hoping to bring government and business leader together to draft a benefits plan for working mothers, she approached big names like Atlantic Richfield’s chairman Robert Anderson, Warner Communications’ chairman Steven Ross, and even former president Gerald Ford. But she found that once the men realized the panel’s subject matter, they typically bailed out. “It became this sort of revolving door,” Hewlett recalls. “It was a real disappointment.” The men would stay for one session, fighting and checking their watches, then disappear. “There was this real sense that they’d be contaminated, that people would think they

were wimps,” Hewlett recalls. Some requested that they be switched to another panel that didn’t deal with “women’s stuff.” Why don’t I send my head of human resources?” one chief executive told Hewlett when she approached him. “She’s a woman; she’d be interested.”

Nonetheless, Hewlett kept the panel going, and the group finally issued a set of recommendations, released with much fanfare at a black-tie dinner on Capitol Hill. The recommendations themselves, however, were little different from those contained in dozens of feminist reports in the last two decades. The document proposed the usual solutions for working mothers: government-assisted child care, maternity leave, maternal and child health care, and flexible work schedules. Policy makers received the and, no doubt, filed them in the usual spot.

Betty Friedan: Revisionism as a Marketing Tool

When Hewlett organized her family policy panel, she had included two women from “the feminist establishment,” as she called it. One of them was Betty Friedan. Like some of the men, Friedan attended only one meeting and then vanished. She would later publicly criticize Hewlett’s meeting then vanished. She would later publicly criticize Hewlett’s work as a “deceptive backlash book.” The attack surprised Hewlett, who had assumed after reading Friedan’s latest work that they were kindred spirits. “I specifically invited Friedan to sit on the panel because she seemed to be thinking along the same lines as me in her new book, *The Second Stage*.”

Indeed, in *The Second Stage*, published in 1981, Friedan issued many of the same charges against the women’s movement. Its leaders had ignored the maternal call: “Our failure was our blind spot about the family.” Not only that, Friedan’s book alleged, the feminist campaign often mistakenly concentrated on “direct” and “confrontational” political tactics—tactics she herself had pioneered but which she now found too “masculine” – when they should be trying volunteerism and taking up a more genteel “Beta style.”

Friedan was not the only famous feminist yanking out the stitches in her own handiwork. A handful of authors whose best-selling books helped popularize the women’s liberation movement in the ‘70s were busy issuing retractions. To the New Right, the new words of the old-line feminist were almost too good to be true. “Feminism, which once helped open windows of opportunity for women, has turned against itself,” rejoiced Reagan aide Dinesh D’Souza, managing editor the neoconservative *Policy Review*. After the New York Times Magazine featured an excerpt of the *Second Stage* on its cover, Phyllis Schlafly exulted in her newsletter that Friedan had “just put another nail in the coffin of feminism.”

By the mid-‘80s, the voices of feminist recantation became a din, as the media picked up the words of a few symbolically important feminist and rebroadcast them nationwide. Many of these new books read like extended and hastily slapped together press releases. For the most part, these “leaders” moment under the camera lights had actually long

since passed: but, like retiring male feminist Warren Farrell, they hoped to reclaim center stage.

While there were plenty of feminist thinkers—new and old, famous and obscure—who stood firm in their political beliefs, they were invisible to the media’s roving eye. The one new self-proclaimed “feminist” theoretician that the press did pluck from obscurity was actually an embittered antifeminist academic...

...By 1986, antifeminist spokesmen were also making much of the revisionist murmurings of feminist activist... As the decade progressed, these famous ‘70s feminists would continue to churn out increasingly retrograde fare...

*But of all the declarations of apostasy, The Second Stage had the potential to be the most damaging to the feminist cause. Betty Friedan was the household name, synonymous in the minds of millions of Americans with the women’s liberation movement. She was “the mother of the modern women’s movement,” as hundreds of newspaper articles had called her ever since her 1963 classic, *The Feminine Mystique*, first gave voice to the “problem that has no name” and helped catalyze a movement for social change. That book was Friedan’s labor of love; she spent years researching and writing in an annex of the dusty New York Public Library. Yet, here she was, two decades later, attacking the “feminist mystique” and accusing the women’s movement of “breeding a new ‘problem that has no name’”—in a thinly documented book that often reads as if it were dictated into a tape machine. What happened?....*

And, here Faludi has asked perhaps the most important question in understanding how and why governments, instead of developing policies and systems that combat discrimination, violence and oppression of women, are within a larger social conservatism agenda, **developing policies and systems that do the exact opposite – promoting discrimination, violence and oppression of women.** Phyllis Chesler in “The Father’s Supremacist Movement from the 1980s to 2010,” *Mothers on Trial*, offers further insight into the historical back-drop, which permitted the *right* to usurp the *dialogue*, and therefore, *power*, within not only family courts and women’s rights movement in the West, but also within the global arena. Paradoxically, the global war against right-wing extremism in the East has its roots, and is being perpetuated by the exact same socially conservative political forces that are at work in the West. As long as western governments continue to propagate social conservatism within their own borders and governments, the rights and liberties of their citizens will continue to be degraded, and violence and terrorism will continue to escalate within their streets and citizenry.

The Father’s Supremacist Movement from the 1980s to 2010s

As we saw in chapter 1 and 2, fathers, not mothers, have had an automatic right to custody throughout history. Even after the “tender years” doctrine gained influence in the early part of the twentieth century, a father could still easily win custody if he wanted it and if he alleged that a mother was an adulteress, mentally ill, or held ideas which he (and the judge) opposed.

Thus, the idea that men began to see themselves as “persecuted” meant that they could not abide women having an advantage, even in the area of motherhood. They felt that feminism (and demands for female independence) challenged the traditional role of men as “paterfamilias,” that this was bad for children, and that attacking women as mothers might bring feminism to heel...

Initially the fathers’ rights movement in America grew out of both the male feminist movement and the anti-feminist right. “Left-wing” (or feminist) fathers’ rights activists claimed that fathers have an equal right to children because men can also mother. They say that “mother is a verb, not a noun” and a “man can be a better mother than a woman can.”

“Right-wing” (or patriarchal) fathers’ rights activists claim that children need a father-dominated family. They also claim that God is the “father” of all children and that He appointed earthly fathers as “His” children’s custodians.

Both kind of fathers’ rights activists insist that they have been savagely “discriminated” against by lawyers, judges, and ex-wives in custody matters—because they are men. They also insist that, as men, they have been economically enslaved and controlled by greedy and parasitic ex-wives who have prevented them from seeing their children.

In 1968 Charles Metz asserted that “even absent from the home, the father can supply love and guidance through good housekeeper. When he doesn’t come home, his competent presence is all the more valuable. No child needs to be in contact with a parent twenty-four hours a day.”

In 1973 George Gilder advocated deliberately lower salaries for women and the payment of a family allowance only to “intact” two-parent families as a way of “solving” the problems of divorce, unwed motherhood, and female competition with men for “male” jobs. In 1979 Daniel Amneus declared the following: “Fathers should get custody of their children; all alimony should be eliminated; women who want to compete in the work world should do so unencumbered by children, and should leave those children to fathers who will remarry women who want to stay home and take proper care of them.”

In June 1981 representatives from twenty-one states met in Houston, Texas, to announce the formation of the National Congress of Men (NCM). Approximately one hundred men claimed that the “greatest inequality suffered by men involved the loss of child custody, loss of home, and loss of assets upon divorce.” Frederick Hayward, in his keynote address, used feminist rhetoric against women. He said, “I do not want to stop women from going out and getting high-paying jobs. I want to demand that the women go out and find high-paying jobs. I am tired of being their wallet. We must give full credence to the seriousness of women’s problems [but when I look at feminist today. I don’t want to call them names—I only want to call their bluff.”

In October 1981 John Rossler and Dr. Robert Fay, both of New York Equal Rights for Fathers, proposed that mothers or “homemakers” be ordered to provide their ex-husbands with domestic services as their form of alimony. “It is demeaning [to a

homemaker] to imply that the only contribution valuable and essential enough to be deserving of post-marriage compensation is the financial one made by the employed spouse. We therefore resolve and suggest that 'alimony' or 'maintenance' be broadened to include... such spousal contributions as housekeeping, cooking, secretarial or bookkeeping work... Such services to each other [should] be assigned for a specific period of time."

Fathers' rights activists began to sue for custody individually and as members of an oppressed and judicially persecuted "class." On December 29, 1981, Equal Rights for Fathers of Alaska brought a class-action lawsuit against nine judges and two state experts, charging them with discrimination against fathers in custody cases. The suit alleged that judges have a "maternal preference" or follow a "tender years doctrine." The suit also called for an affirmative action program on behalf of fathers.

In 1981 Gerald A. Silver, president of Fathers' Rights of America, and the second Mrs. Silver wrote that "women find sympathy wherever they turn. Men are treated as if they have no feelings, almost as if they are invisible... Men who fail to pay child support are ruthlessly tracked down by federal computer bloodhounds. Women who withhold visitation are not pursued at all. A woman who is beaten by her husband will receive aid and support, and then be directed to a federally funded center for victims of physical abuse. A men who is battered by his wife is laughed out of the police station."

In 1983 Maurice K. Franks, a fathers' rights advocate and lawyer, offered his (nineteenth-century) solution to the (twentieth-century) problem of the paternal nonpayment of child support:

Custody of the daughter had been given to the mother many years before, and the father (my client) had neglected to pay his full child support. The mother got a judgement against my client for back child support. There wasn't much we could do about that now. But we learned that the daughter, a teenager by now, had been working for a few years as a part-time waitress. We sued the mother, and the restaurant where the girl worked, for all wages ever paid to the girl.

We argued that where the duty of support remained with the father, the right to sue on behalf of the child also remained with the father. We then argued that wages received by the children were the property of the father, and it was the father who was entitled to the earnings of the daughter even though she may have been in the legal custody of the mother. We asked that the restaurant owner be ordered to pay a second time, since he never should have paid wages to a minor child without the father's permission. We won. A jury ordered the restaurant owner to pay my client, the father, wages that the restaurant had previously paid to the daughter.

The National Congress of Men also met in Los Angeles in 1983. It "resolved" to "focus primarily on fathers' rights and divorce reform." The NC strongly favored "joint custody" and was concerned with ending the (unfair) economic burdens faced by divorced fathers and with assuring the paternal rights of unwed fathers.

Has anything changed since then?

More fathers have taken up some tasks of primary childcare—and more fathers have benefitted from the judicial preference for automatic joint custody whether or not they have been their children's caretakers. I believe that more fathers have sued for custody, not as a bargaining chip to obtain favorable economic results but because they want their children to live with them. Fathers' rights lawyers and mental health professionals have confirmed that fathers are being "persecuted," which can mean anything. It can mean that they are not being shown the proper respect, that their wives dared to leave them, or that they are being asked to support children whose mothers are not performing wifely services.

Over the years, fathers' rights groups have become routinely quoted and consulted by the world media. They have also successfully swayed legislatures and courts to their point of view. In 2005 the New York Times Magazine published a cover story on father's rights groups titled "The Fathers' Crusade." According to this article, a new brand of fathers' rights activism has led to outsized headlines.

A British group, Fathers 4 Justice (F4J), has chapters in several countries, including the United States. F4J is famous—or infamous—in Britain for staging high-profile stunts to raise awareness about the custody rights of divorced and separated fathers. In one memorable incident, a member of F4J pelted Prime Minister Tony Blair with a condom filled with purple flour. In 2004 an F4J member climbed on top of Buckingham Palace dressed as Batman, unfurled a pro-father' rights banner, and spent five hours perched on a balcony ledge while security officials tried to persuade him to come down. His audacious tactic worked brilliantly; coverage of the event flooded British airwaves for nearly two days. Two weeks, the same man, along with three other fathers, stood atop a two-hundred-fifty-foot-high suspension bridge in Bristol, dressed again like superheroes handing an F4J banner.

Stunts like this, pulled off with super hero costumes, have become the calling card of F4J. The main public relations goal of F4J and like-minded groups is nothing short of recasting "divorced dads, en mass, as needy and lovable rather than as distant and neglectful." These mainstream groups like the Blackshirts in Australia, who are masked men in paramilitary uniforms who stalk the homes of women they feel have taken unfair advantage of the custody system. Although the basics of their platform have not changed fundamentally since the 1980s, they are also distancing themselves from the more (overtly) misogynistic tone that fathers' rights groups took in previous decades.

According to a 2009 article in Slate, "One respectable new faces of the movement is Glenn Sacks, a fathers' rights columnist and radio host with 50,000 e-mail followers, and a pragmatist in a world of angry dreamers. Sacks is a former feminist and abortion-clinic defender who disavows what he calls "the not-insubstantial lunatic fringe of the fathers' rights movement.' He recently merged his successful media group with the shared-parenting organization Fathers and Families in a bid to build

a mainstream fathers' rights organ on par with the National Organization for Women.

Why has the fathers' rights movement continued to gain momentum? "One explanation that has proved attractive to some parts of the media is the idea of 'backlash,' most famously discussed by the U.S. author Susan Faludi, who describes a powerful counter-assault against the achievements of feminism. As women gain more influence outside the household, she suggests, men lose their traditional role and authority both at home and in the workplace. Inevitably, men fight back and 'gender wars' result." Another explanation is that "long-term upward trends in divorce rates and numbers of single parent families mean that fathers increasingly find themselves living apart from their children, and their relationships with them may thus be more fragile."

On one level, law professor Richard Collier and Sally Sheldon write,

It may be that the Fathers' Rights movement's demand for equality should not be heard primarily as a call for practical change but rather as a demand for symbolic recognition. The failure to accord fathers equal contact time with their children may cause psychological harm to men's sense of their worth as fathers, being perceived as, according to them, of secondary importance to their children's mothers. Fathers' Rights movement websites are full of powerful and moving accounts of fathers' pain at being allowed to see their children only at formally sanctioned, narrowly prescribed times, while mothers as resident parents retain seemingly unlimited access to them.

But fathers' rights groups in the twenty-first century do have concrete legislation and social goals. "Although some of the issues raised by Fathers 4 Justice concern quirks of the British custody system, most of them overlap with demand of divorced fathers' groups in other countries: stronger enforcement of visitation rights, more shared-custody arrangements, a better public and legal acknowledgement of a father's importance in his child's life. In the United States, the influence and visibility of those groups have waxed and waned since the mid-70s, but they appear to be agitating now as never before. In [2004-2005], class-action suits were filed in more than 40 states, claiming that a father's constitutional right to be a parent guarantees him nothing less than 50 percent of the children. The American Coalition for Fathers and Children, a major American fathers' rights group, defines its mission as follows.

We, the members of the American Coalition for Fathers and Children, hereby dedicate ourselves and our efforts to the creation of family law system, legislative system, and public awareness which promotes equal rights for ALL parties affected by divorce, and the breakup of involvement and dedication, we can have a positive effect on the emotional and psychological well-being of children.

We believe equal, shared parenting time or joint custody is the optimal custody situation.

We believe grandparents should have rights and access to their grandchildren.

We believe gender bias should be eliminated from family law and from future legislation.

We believe child support orders should be reasonable, realistically reflect the cost of the children's basic needs, and reflect the relative parenting contribution of both parents in a shared parenting plan.

We believe when parents are given equal rights, equal responsibility follows; when parents have equal access to their children and support levels are reasonable and reflect the true cost of raising a child, parents will comply with court orders.

We believe when equity is created in our laws, the conflicts inherent in divorce situations dissolve and that, in the end, this is the greatest gift which we, as parents, could possibly bestow on our children.

Sounds good, yes? However, winning joint custody does not always mean that the parenting is joint or shared. One scenario: A mother "wins" the school week and responsibilities for child-related chores; the dad "wins" the weekend, circus time, holidays, and vacation time. Or Dad gets his mother, girlfriend, or nanny to take care of the children three to four days a week, and the children must wearily troop from one home to another twice a week while the mother gets little or no support for maintaining the home seven days a week (whether or not the children are there). Worse: A violent husband and an abusive father can—and frequently does—win joint custody, which then becomes the way to continue his reign of terror.

As the respectability and savvy of many fathers' rights groups has grown, they have become increasingly successful. According to the 2005 article in the New York Times Magazine,

On the legislative front, last spring Iowa passed some of the strongest legislation to date in favor of joint physical custody—the division of the child's time between the two parents as close to equal as possible. The policy, which resembles some legislation that Main passed in 2001, encourages judges to grant joint physical custody if one parent requests it, unless the judge can give specifics to justify why that arrangement is not in the best interest of the child.

There are dozens of Fathers' Rights groups in the [United] States, including the American Coalition for Fathers and Children, Dads Against Discrimination and the Alliance for Noncustodial Parents Rights. They

may not have the name recognition that Fathers 4 Justice has on its own turf, but they work quietly behind the scenes, pushing for custody laws like the one Iowa and Main have passed, lobbying Congress and generally doing what they can to improve not just the rights but also the image of divorced fathers.

On the other hand, some high-profile fathers' rights groups are still clearly extreme and misogynist. One such group is Respecting Accuracy in Domestic Abuse Reporting (RADAR). Kathryn Joyce reports that

In October of 2009, National Domestic Violence Awareness Month, members of the men's movement group RADAR gathered on the steps of Congress to lobby against what they say are the suppressed truths about domestic violence: that false allegations are rampant, that a feminist-run court system fraudulently separates innocent fathers from children, that battered women's shelters are running a racket that funnels federal dollars to feminists, that domestic-violence laws give cover to cagey mail-order brides seeking Green Cards, and finally, that men are victims of an unrecognized epidemic of violence at the hands of abusive wives. "It's now reached the point," reads a statement from RADAR, "that domestic violence laws represent the largest roll-back in Americans' civil rights since the Jim Crow era!"

And RADAR has also won legislative victories. Joyce wrote, "In 2008, the organization claimed to have blocked passage of four federal domestic-violence bills, among them an expansion of the Violence Against Women Act (VAWA) to international scope and a grant to support lawyers in pro bono domestic-violence work. Members of this coalition have gotten themselves onto drafting committees for VAWA's 2011 reauthorization. Local groups in West Virginia and California have also had important successes, criminalizing false claims of domestic violence in custody cases, and winning rulings that women-only shelters are discriminatory."

Thus, explains Michael Flood, an Australian sociologist, feminist, and ardent opponents of fathers' rights groups often "reflect the tactics of domestic abusers themselves, minimizing existing violence, calling it mutual, and discrediting victims."

"Above all," Flood writes, "fathers' contact with children has been privileged, over children's safety from violence. In part due to publicity efforts by Fathers' Rights groups, an uncritical assumption that children's contact with both parents is necessary now pervades the courts and the media. In Australia, the Family Court's new principle of the 'right to contact' is overriding its principle of the right to 'safety from violence.' In short, family law increasingly is being guided by two mistaken beliefs: that contact with both parents is in children's best interests in every case, and that a violent father is better than no father at all."

Flood continues:

There is no doubt that many of the individual men in Father's Rights groups want a greater involvement in their children's lives, but these groups have done little to foster fathers' positive involvement in children's lives, whether before or after separation and divorce. The Fathers' Rights movement focuses on fathers' 'rights' rather than the actual care of the children... It conflates children's welfare with parental equality, ignores actual caregiving divisions of labor... Many fathers' rights groups seem more concerned with re-establishing fathers' authority and control over their children's and ex-partners' lives than with actual involvement with children. They neglect the real challenges of maintaining or setting up shared parenting after divorce, arguing for one-size-fits-all approaches based on joint custody, which won't work for most families.

Flood also argues that fathers' rights groups are bad for men, not just women;

Men who are going through a separation or divorce certainly deserve services and support. But they're not well served by fathers' rights groups. Fathers' rights groups stifle men's healing processes, constrain and harm their relations with their children, and directly compromise the wellbeing of children themselves. First, many groups offer their members identities based only in victimhood, centered on hostility toward and blame of the legal system and their ex-partners, and colored by misogynist norms. Such approaches fix men in positions of anger and hostility, rather than helping them to heal. Some groups encourage their members to engage in malicious, destructive, and unproductive legal strategies.

...Fathers' Rights Advocate

Advocates were not obsessed with paternal custody as part of some ideological program or unspoken emotional agenda...

The Fathers' Rights Activist

Most activists were trained as lawyers, psychologists, psychiatrists, and detectives. Many were also trained in assertiveness training or in techniques of emotional manipulation. Some activists used feminist rhetoric; others used to "winning" arguments on this subject.

Seth saw no difference between his "helping out" and his ex-wife's full-time, stay-at-home motherhood. Nor did he think of maternal child care as "work" or as entitling a mother to custody. He said that

If a woman changes the diapers and feeds the children, and a man doesn't, because he's working outside the home, you don't really know what special relationship the children have evolved with him. You don't know what would have happened if this man had tried or been allowed, in a sense, to replace his wife.

Had I known how to have children without marrying or living with a woman, I would have done it. I think I'm the better parent. Why doesn't my ex-wife become liberated?

This confusion of female liberation with whatever it is a particular man happens to want and the denigration of maternal child care were shared by many fathers' rights activists.

When I could no longer bear Seth's contempt for women as mothers and because I was curious to see how verbally agile his paternal hubris really was, I shared Ella Mae's story (contained in chapter 6) with him....

Without hesitating, Seth said, "Phyllis, even if the father hadn't seen his child for eight years, I'd conclude that they were having a relationship without seeing each other. Maybe he was better able to take care of the child. Maybe he needed the child more. Maybe he had his act together more. Maybe he felt that the child was now grown and he was in a sense willing to put the child under the stress of changing their relationship."...

Martin is a psychologist-consultant. He runs groups for divorced fathers. Testifies as an expert witness for fathers in custody battles, and organizes seminars for judges, lawyers, and parents on the importance of the father-child bond.

Like Seth, Martin doesn't respect his ex-wife as a mother. His sense of outrage and victimization is very real to him—and really dangerous to the wives of his male clients. Martin can exorcise and capitalize on his "divorce demon" by winning battles against other men's wives over and over again.

Some fathers' rights activists sounded like football coaches, mercenary soldiers, or Marine sergeants. They handled every question as an opportunity to display their blood-and-guts "manhood":

Men! Make no mistake about it. There's a war on! We have an aggressor army attacking us! Men, you must put together a very tough team. You need a private investigator. [As a group] you must turn over all your cases to him and to one lawyer. Then you get to control what they do. Get a local psychiatrist, throw him all your business and wow! For thousands of dollars a week is he going to say what you want? You better believe it! He'll go with you to the state legislature. Why shouldn't he? With the business you throw him, he'll be building a new wing on the hospital in your name.

An Activist and His Ex-wife

John was lionized by the press as a heroic father battling for child custody. When I called, he immediately agreed to an interview. John was relaxed and very personable.

However, either he waited for me to “agree” with him after each point or he tried to “agree” with whatever I said—even if it meant contradicting himself. John also smiled a lot during our four-hour interview—especially when he distorted the facts or contradicted himself. For example, he smiled when he said that “men are hunted down like criminals if we miss a single child-support payment and jailed if we don’t pay outrageous sums of child support. These are facts. This is not just my personal impression. Since the feminist movement, most fathers have been nurturing children just as mother do. Fathers now have a diaper relationship with their kids.”

When John discussed his divorce, he began to pace. In a voice strangled with pain, he repeatedly asked me, “Can a woman who has sex with every Tom, Dick, and Harry really care about her children just because she wants to? Now that she’s remarried, she thinks she’s a lady. But the damage has been done.”

At first, John’s ex-wife, Priscilla, refused to see me. She said she didn’t “trust” psychologists. Unsmilingly, Priscilla described John as a very traditional father who “lost his temper a lot.” She said, “Once I left the sink full of dishes to take a fast shower. John came home, pulled me out of the shower to yell about the house being a pigsty. Then he tried to strangle me. I moved out with only the clothes on my back. Even though we both worked, he felt everything we bought belonged to him. More so since I belonged to him, too, but I was leaving.”

Once Priscilla remarried, John joined a fathers’ rights group, sued for sole paternal custody, and attempted to brainwash the children against her.

He claimed in courtrooms and in press conferences that Priscilla was “interfering” with his visitation. “Were you?” I asked. She answered.

No matter what kind of visitation he has, he feels inconvenienced and deprived. Once John’s visitation coincided with our daughter’s hospitalization. He was very angry that he had to share his child in her hospital room with me. My husband had to leave the hospital early, and wouldn’t return.

Once our son’s birthday fell on one of John’s visitation days. I had planned a huge party. I asked John to join us as a member of the family. He refused. He told me to cancel the party. I suggested he take our son the day before or the day after the party. He refused. I proposed extra visitation the following weekend. He refused. Instead, he had his lawyer charge me with visitation interference.

Why are some fathers' rights activists demanding to be recognized as "mothers"? Are they afraid of losing their strangleholds over unpaid, obedient wives? Or do they perceive "reverse discrimination" in any pro-mother decisions? Letty Cottin Pogrebin has theorized that "now that men have no animals to tame and no frontiers to conquer; now that women are the last remaining subjects of domination. Rulers need subjects... Men, especially, need children to anchor the bottom of the chain of command. When gender, race, and class comfort fail, children are the last order of necessary inferiors."

Contemporary Legal Trends, Part I

Joint Custody, Mediation, Incest, and Parental Alienation

Mandatory Joint Custody: Post-Divorce Patriarchy

In the 1980s both fathers' rights and fathers' supremacist activists and feminist theorists posited the "withering away" of the patriarchal state once men become involved in child care. According to Dr. Deborah Luepnitz, many feminists supported the idea of joint custody as a way of "encoding" the fact that both men and women "should remain responsible for the act of spawning mortal flesh." However, this was liberal theoretic, not scientific fact...

On the contrary. Attorney Nancy Polikoff has noted that "presumptions favoring joint custody upon divorce, regardless of who has provided care and nurturance during the marriage, actually discourage co-parenting during marriage by sending a clear message to fathers that they have a right to intimate involvement with their children upon divorce—if they choose to exercise it—no matter how detached they are from the ongoing care of their children during the marriage... Although joint custody rearing by mothers and fathers should be encouraged, joint custody presumptions are not carefully tailored to this."...

According to attorney Joane Schulman, "Joint custody is being used as a bargaining tool by men to extract more favorable property and support terms in divorce... Joint custody is being used by men to avoid or reduce outstanding support orders."

A father may also want joint custody as a way of retaining the marital home and other assets and as a way of monitoring, controlling, and harassing his ex-wife. According to attorney Laurie Woods, "Joint custody would allow a father to exercise maximum control over his former wife while having minimum responsibility. Joint custody is also a good threat for fathers to use to get mothers to back down from economic demands... A more serious problem involves the increasing demand for joint custody on the part of wife batterers and incestuous fathers. Battered women who fear for their safety and oppose joint custody are being punished—the courts are finding them 'uncooperative parents' and awarding custody to the batterer...."

Judge Vincent R. Balledda Jr. noted that “those who strongly advocate joint custody as the ‘way to go’ point to... studies, but rarely do they fully consider the cooperation required between parents to make such a situation viable... It seems almost naïve to believe that parents resorting to the courts to settle their differences would suddenly interact in an imposed joint custody arrangement in a way calculated to be in the child’s best interests... Joint custody as a favored solution is a flawed concept.... The Roman and Greif studies, which were used in support of joint custody legislation and forced joint custody awards, only studied fathers. The children (and the mothers) were never interviewed or studied.

Mediation and Parent Coordinators

...According to Laurie Woods, the mediation process can only hurt women and children, upon divorce.

Mediation is a (1) private, (2) non-applicable, (3) non-enforceable approach to resolving differences (4) which is not required to be and (5) does not attempt to be consistent with any set of laws and (6) is not required to have consistent outcomes... Mediation trivializes family law issues by relegating them to a lesser forum. It diminishes the public perception of the relative importance of laws addressing women’s and children’s rights in the family, by placing them outside society’s key institutional system—while continuing to allow corporate and other “important” matters to have unfettered access to that system. Loss of one’s children and protection of one’s physical safety should be considered too important to entrust to any other legal system...

In 1992 and again in 2006, University of Denver family law professor Penelope E. Bryan reviewed mediation. In her opinion, mediators are often bad news for mothers. Many are biased outright in favor of fathers, and many more take positions that subtly work against mothers’ interests...

Moreover, Professor Bryan points out that “divorce mediators have a strong bias in favor of joint custody and coerce divorcing mothers into this arrangement.” Studies show that mediation “produces a significantly greater percentage of joint custody arrangements than any other process of custody dispute resolution.”...

Joint custody is actually bad for mothers, she explains, “because this form of custody superficially seems less threatening to mothers, its subtle political implications frequently go unnoticed. Joint legal custody often perpetuates the preexisting patriarchal family structure by allocating the day-to-day care of the children to the mother, while solidifying the ex-husband’s power over important child-related decisions.” Joint custody gives the father veto power over the mother decisions. “This veto power,

or the threat of its use, invades the ex-wife's consciousness and makes her ex-husband, and the male control he represents, an ever-present with which to contend. The message is clear; she may escape the marriage but will remain subject to male domination." Another problem the ubiquity of joint-custody settlements is that women will often settle for outrageously lopsided financial deals in order to get joint custody off the negotiating tables.

...Bryan also fears that battered women will be most poorly served by mediation. She is already "damaged" in terms of her ability to fight for herself. Mediators, who have insufficient training with respect to power imbalances, will usually fail to pick up on these dynamics. And even if they did, they're bound to be "neutral" in a way that often guarantees an unfair outcome for the party who is more willing to appease and please.

... With the contemporary rise of joint custody and mediations, a new cottage industry has also arisen: that of the parent coordinator. Many states have defined the coordinator's role as helping the parties implement their custody plans. In some states, courts have mandated parent coordinators. Some lawyers, as well as divorcing parties believe that such coordinators, who are either mental health professionals or lawyers, can be enormously helpful—as long as they are the "right" person. If not, according to many mother-interviewees, a mother who is already impoverished by the custody battle simply ends up having to pay for one more professional "state parent," who may not have the necessary skills and who may be biased against mothers....

Incest Allegations

As we have seen, what I've termed "court-enabled incest" has gone on in the United States since the 1980s.

On the one hand, we have studies that document that about 20-25 percent of American girls (an epidemic number) are sexually abuse in childhood and that 30-5- percent of their abusers are male members of their own family. Yet when mothers accuse fathers of sexually abusing children in their families, judges and others in the court system don't believe they are telling the truth.

We don't want to believe it, but studies document that at least 49 percent of the recent maternal allegations about incest are true, not false, and that neither mothers nor child advocates allege paternal incest more often during a custody battle than at other times. Some fathers' rights activists, including lawyers and mental health experts, keep insisting that the mothers or children are lying or misguided. And the media continue to cite an increase in "false" maternal allegations.

...the court vacated the conviction of a father for raping and otherwise sexually abusing his four-year-old daughter. The court was highly skeptical of the mother's claims because she made them in the course of "an extremely unpleasant and highly bitter divorce and custody battle." The court did not consider the possibility that the mother was unpleasant and bitter precisely because her husband had been sexually abusing their young daughter...

Brainwashing and Parental Alienation: A Perfect Storm

As we have seen, while some battered mothers and the mothers of sexually abused children were protected by the legal system, many were not. Such mothers and children were not believed. Many were treated with disdain and contempt by the entire court systems, which caved in to the demands and ideas of father supremacist organizations and which chose to believe the misogynist ranting of one Dr. Richard Gardner.

As the default presumption became that of joint custody and fathers were seen as equally entitled to custody—and as somehow "discriminated" against—just then, allegations of incest were increasingly viewed as "proof" that the mother had "alienated" the child from the father for which she lost custody and visitation. The allegedly pedophilic father gained sole custody. This was justified as the necessary corrective, just as Dr. Gardner had suggested.

In 2001 and 2002, California law professor Carol Bruch behavior of the parent seeking custody to that of the custodial parent. This person, who may be attempting to protect the child, is instead presumed to be lying and poisoning the child. Indeed, for Garner, the concerned custodial parent's steps to obtain professional assistance in diagnosing, treating, and protecting the child constitute evidence of false allegations. Worse yet, if therapists agree that danger exists, Gardner asserts that they are almost always man-hating women who have entered into a folie a trois with the complaining child and concerned parent. Indeed, he warns judges not to take abuse allegations seriously in the divorce court setting... Gardner asserts that abuse allegations which are believed by therapists constitute evidence of alienation by the protective parent...

In Bruch's opinion, Gardner succeeded first because he misrepresented himself as on the faculty of a distinguished university—he successfully "conned" the courts. Second, he also "conned" the media, which kept quoting him. Third, he was strongly supported by father supremacist groups, whose lawyers and members kept hiring him and other who believed as he did to testify in court cases. No one noted that Gardner was mainly self-published, that his so-called research made no sense and was not logical. The court system did not probe into what Gardner's real views

were about adult-child sexual relationships or about women. Whenever the scientific basis of his views about child sexual abuse was challenged, he simply revised his tests, renamed them, and republished them. According to Bruch,

In practice, PAS has provided litigational advantages to noncustodial parents with sufficient resources to hire attorneys and experts. It is possible that many attorneys and mental health professionals have simply seized on a new revenue source—a way to “do something for the father when he hires me,” as one practitioner puts it. For those who focus on children’s wellbeing, it hardly matters whether PAS is one more example of a “street myth” that has been too willingly embraced by the media and those involved in child custody litigation, or whether attorneys and mental health professionals truly do not know how to evaluate new psychological theories.

Bruch notes that the role of the forensic evaluator has expanded enormously, often in a way that is detrimental to the litigants. Also, in her view, divorcing families are now subjected to court-ordered “monitoring” and “overzealous intervention”; families that do not divorce do not face these things.

More recently, in the 2009 Journal of Child Custody, Joan S. Meier of the George Washington University Law School published an article titled “An Historical Perspective on Parental Alienation Syndrome (PAS) and Parental Alienation.” Meier argued convincingly that PAS theory is as dangerous as it is scientifically worthless and provided a trenchant analysis of how it nevertheless managed to become so popular. As she admitted from the outset, that children of divorce are often alienated from one of their parents is a given. What is intolerable is that observations of parental alienation are “crudely used in courts to defeat abuse allegations.” Tragically, she wrote “Parental alienation... has come to dominate the discourse in many family courts.”

...The obvious problem with Gardner’s ideas, as Meier pointed out, is that it completely sidesteps the question of how to objectively verify whether sexual abuse has actually take place...

Despite this study and others like it, it is virtually an article of faith” in custody courts and among forensic evaluators that there is a flood of false sexual-abuse allegations, even though that’s simply not true... Meier noted that, according to Gardner, “women’s physiology and conditioning makes them potentially masochistic rape victims who may ‘gain pleasure from being

beaten, bound, and otherwise made to suffer,’ as ‘the price they are willing to pay for gaining the gratification of receiving the sperm.’ As for pedophilia itself, she added, “Gardner argued expressly that adult-child need not be intrinsically harmful to children. He claimed that adult-child sex is beneficial to the species, insofar as it increases a child’s sexualization and increases the likelihood that his or her genes will be transmitted at an early age.

Gardner blamed Western society’s “overreaction” to pedophilia on the Jews, and he opposed mandated reporting of child sexual abuse, relating proudly how he once successfully persuaded a mother not to report a bus driver who had molested her daughter. To explain why mothers would fabricate incidents of paternal incest, he argued that some women are titillated by the thought of their children having sex with the father.

As remedy for PAS, Gardner advocated an absolute cessation of contact between mother and child. Not surprisingly, in cases where families have been subjected to this draconian punishment, children cut off from their mothers and forced to live with sexually abusive fathers have sometimes become so suicidal, and some have died as a result. Incredibly, some judges who have bought into PAS theory have decided to put children who run away from visitation with abusive fathers into juvenile detention as “treatment” for the syndrome. When these re-educated youths then realize that they have jumped from the frying pan into the fire, they are magically “cured” of their PAS and submit to further abuse by their fathers.

...The three courts that have taken up the question of whether PAS theory is admissible in court have all decided that it is not because it lacks scientific weight, so it is puzzling why so many other courts simply take for granted that it does not belong in the courtrooms.

Why is this? Meier believed that “to a great extent, the influence of PAS thinking on custody courts has been driven by the ‘allied’ professionals who serve such courts, including custody evaluators, other forensic evaluators and guardians ad litem (GALs).” In some states, a “handful of bad-apple psychologists” can “single-handedly create ‘law’ for the state. But these explanations aren’t really enough, given that courts often accepted PAS logic even in cases where there have been actual findings or admissions of child sexual abuse. As Meier wrote, “it’s hard to avoid the conclusion that outright gender bias also comes into play.”

Several studies have suggested that abusive fathers get custody at rates of anywhere from 46 to 70 percent. And the reason for this? “The ordinary response to atrocities is to banish them from consciousness.” Child sexual abuse is too horrible to contemplate, so judges and court-sponsored officials have preferred to deny that it exists. “Finally,” Meier wrote,

The receptivity to alienation theories reflects the degree to which an overriding belief in the importance of fathers—and shared parenting—shapes and dominates the psychological professions, courts, and even so some degree, the public... It is an article of faith of most family courts and evaluators—despite continued debate about the empirical support—that children need “frequent and regular” contact with both parents for optimal psychological health. In this respect, the fathers’ rights movement has been remarkably successful. Even a glance at leading newspapers demonstrates a fascination with fathers and fathering, and a comparative lack of interest in, or respect for, mothers and mothering.

The ability of patriarchal rights groups to have ‘brainwashed’ the courts and the media with totally ridiculous theories such as PAS—without being challenged by the *left*—is not surprising given the encroachment of the extreme *right* in the USA on every important political issue facing the world today. The Democrats (nor any other political group) has effectively challenged the *right* (Republicans, et al.) since the Reagan Era. So it is hardly surprising that issues concerning women and children would be given no consideration, or resources. The crises in *family courts* (around the world) is, as Chesler appropriately states, “court-enabled incest” for millions of children at present—with the situation similar to that of the Catholic Church’s cover-up of *pedophilia* and sexual abuse of minors by members of the clergy. It is absolutely essential that the norms and customs of lawyers, judges, and other judicial actors which are silencing victims be challenged by those within the judicial system itself, as well as within a larger political arena.

The enormity, and gravity of the cover-up of domestic abuse by the family courts cannot be stressed enough. The theories of Dr. Gardner, and his followers—who are actively, and openly, promoting *pedophilia* as a “life-choice,” comparing it to homosexuality—have gone global, and are now used in family courts throughout North and South America, Europe, and Australia—affecting millions of children at present. My research has included not only the expert opinions, but hours of participation in chats on facebook and skype (in English, Spanish and French) with women around the world are fighting to liberate their children for the most horrific sexual and physical abuse.

People around the world are increasing contacting me for assistance in their cases. However, as I have repeatedly pointed out to public authorities (including Consular officials), **the ONLY entity which has the power or authority to challenge judicial misconduct, and/or the**

violation of the rights of a citizen within a foreign jurisdiction is THE GOVERNMENT (Consulate) of that citizen. I can provide emotional support and advice to victims, and attempt to find appropriate legal counsel, but I **cannot obligate** a foreign government to assure that the rights of citizens are upheld in foreign courts or assure that allegations of judicial misconduct are investigated to the letter of the law. **This is exclusively under the purview of governments under democratic principle.**

The fact that I have continually had to point this out to government officials is to say the least worrisome. However, what is truly dramatic, and elevates the negligence of said authorities to criminal negligence, is the fact that the public authorities who are supposed to be *upholding* the law have absolutely no cognitive understanding of the law, or even the democratic principles behind those laws—with US Department of State officials particularly grievous, and arrogant in their criminality. Dealing with the US Department of State is truly like following through the *Looking Glass* and finding oneself in the *Wonderland of Alice*—the nonsensical, double-talking is at epidemic proportions.

The dis-protection of women and children within, and by, the courts, has occurred not only due to un-challenged ideological attacks from the *right* for decades, but has been aggravated by a total lack of transparency, accountability and governance in court systems worldwide. What traditional studies and reports (Transparency International³²) fail to exam are cases of corruption that fall outside the confines of an antiquated definition of corruption; a definition which considers *bribery* as a necessary element of corruption. In other words, without an actual exchange of monies (or assets) between two parties for corruption of a proceeding, *corruption* has not occurred. One of the problems with this interpretation of corruption is that it fails to consider *favors*, negligence, or prejudices/discrimination as *corruption*. Within a human rights perspective, and approach, to corruption discrimination (or favors, negligence, etc.) by judicial actors will never be examined within national systems due to the conflict of interest issues (etc.) in self-regulating disciplinary systems.

The importance, and level of impunity enjoyed by lawyers who are intentionally or unintentionally negligent, is explained by Karen Winner in *Divorced from Justice*,

The Absence of Independent Oversight

Generally, lawyers are not held accountable to the state consumer statutes that regulate business practices. If they were, such abusive practices would not be tolerated. But lawyers have special privileges. They don't have to live up to strong standards of accountability as do people in other professions—just one of the many unique advantages that separate lawyers from other businesspeople. For instance, plumbers and architects require licenses issued by the state, but lawyers are licensed by their own private trade

³² <http://www.transparency.org/cpi2014/results>
http://www.transparency.org/whatwedo/publication/global_corruption_report_2007_corruption_and_judicial_systems

group, the bar association. This is a little like putting the safety approval of a new drug into the hands of the pharmaceutical industry. Would you feel secure taking such a drug?

*The national, state, and local bars function as lobbies for lawyers' interests. But these lobbies have all the authority and weight of government. The bar holds much decision-making authority, and when the bar tells the government what to do, the government goes along. Why? Because the legal profession has rule-writing power that has the force of law. As Philip Stern, who discusses this point in his book *Lawyers on Trial*, writes "... the power of the state is used to give teeth to the rules written by private bar." In other words, even though the bar is a private organization with private interests, the judicial branch of our state governments OK's the bar's rules as public law...*

The legal profession's influence over legislation runs extremely deep. In fact, for all practical purposes, the legal profession controls the practice of law. The legal profession has granted itself the power to police itself through the bar association, which has its own disciplinary system for regulating the conduct of lawyers... The regulatory structure of the grievance committees is exclusively the domain of lawyers...

Critics charge that the lawyers' disciplinary system has woefully adequate enforcement procedures. The legal establishment has acknowledged this problem for twenty-five years, but it still remains just as severe.

In 1970 the first nationwide evaluation of lawyers' disciplinary procedures, known as the Clark Report, released its findings. Among the revelations were:

- *There is inadequate financing of the disciplinary agencies for investigations.*
- *The local and fragmented nature of the disciplinary structure makes the system ineffective; local jurisdictions are often so small that all the lawyers know each other personally.*
- *The disciplinary structure is cumbersome, causing delays. Case processing can take from several months to five years.*
- *Disciplinary agencies have inadequate, undertrained professional staff.*
- *There is an absence of training programs for disciplinary agency staff.*
- *Disciplinary agencies insist on unnecessary formalities, such as verifying complaints.*
- *There is no provision for suspending lawyers convicted of serious crimes (pending disciplinary proceedings).*
- *Disbarred attorneys are too readily readmitted to practice.*
- *Lawyers and judges are reluctant to report instances of professional misconduct.*
- *Judges are not trained in ethical standards and disciplinary enforcement responsible for lawyer discipline.*

The Clark Report identified the problems that make disciplinary systems ineffective but it had little real impact on lawyer practices. As Stanford law professor Deborah Rhode noted, "A quarter century after the Clark Committee issued report, some of the most significant problems that it had identified remained pervasive..." As a result, less than

2 percent of all complaints nationwide result in public discipline (meaning discipline resulting in censure, suspension, or disbarment)...

Robert Felmeth issued this statement in his final report in 1991: “What is needed are some bounds, some clear and defined limits... [to restore] a measure of honor to a profession which is in a current state of well-deserved dishonor.”

When we go to buy a car at a used-car lot, we know we have to be careful because used-car dealers have a reputation for taking advantage of unwary consumers. But currently there is more protection against shady car dealer than an unscrupulous lawyer...

The Clark Report

Unfortunately, globally the US has what is considered a high-level of integrity within its courts, and ranks 17th on Transparency International *Corruption Perception Index*—noting that the index is one of **public perception**, rather than a **true measure of corruption**. Which of course begs the question of **“whose perception”**? The fact that the USA is considered “high” on the *integrity barometer* is perhaps more a reflection of the dire state of affairs in courts around the world, than a reflection on an acceptable (or aspired to) level of integrity in the courts—calling attention to the fact that *family courts* are considered the *drudge* work by most judges, money-trees by lawyers, and unimportant by politicians. In the words of former Supreme Court Justice Tom C. Clark,

After three years of studying lawyer discipline throughout the country, this Committee must report the existence of a scandalous situation that requires the immediate attention of the profession. With few exceptions, the prevailing attitude of lawyers toward disciplinary enforcement ranges from apathy to outright hostility. Disciplinary action is practically nonexistent in many jurisdictions; practices and procedures are antiquated; many disciplinary agencies have little power to take effective steps against malefactors.³³

Lawyer Regulation for A New Century: Report of the Commission on Evaluation of Disciplinary Enforcement, (1989-1992)

...The existing system of regulating the profession is narrowly focused on violations of professional ethics. It provides no mechanisms to handle other types of clients' complaints. The system does not address complaints that the lawyer's service was overpriced or unreasonably slow. The system does not usually address complaints of incompetence or negligence except where the conduct was egregious or repeated. It does not address complaints that the lawyer promised services that were not performed or billed for services that were not authorized.

Some jurisdictions dismiss up to ninety percent of all complaints. Most are dismissed because the conduct alleged does not violate the rules of professional conduct. The

³³ See ABA SPECIAL COMM. ON EVALUATION OF DISCIPLINARY ENFORCEMENT, PROBLEMS AND RECOMMENDATIONS IN DISCIPLINARY ENFORCEMENT (Final Draft 1970)

Commission has gathered much information about these dismissed complaints. It convinces us that many of them do state legitimate grounds for client dissatisfaction. The disciplinary system does not address these tens of thousands of complaints annually. The public is left with no practical remedy...

The disciplinary process also does nothing to improve the inadequate legal or office management skills that cause many of these complaints. Many state bar associations have mandatory continuing legal education, substance abuse counseling, and other programs. However, these programs usually are not coordinated with the disciplinary process. Lawyers with substandard skills often need more help than these programs can provide. The judiciary and profession should create new programs and coordinate all such programs with the disciplinary system.

The Need to Strengthen Regulation of the Profession by the Judiciary

Neither the profession nor the judiciary can permit this situation to continue. Clients, the public, the justice system, and the profession are suffering harm from this state of affairs. If it does continue, the public may remove the authority of the judiciary to regulate lawyers. There have been several attempts to do so in the last twenty years. The failure of the profession and the judiciary to act imperils the inherent power of the court to regulate its officers. It threatens the independence of counsel. The judiciary must expand the regulatory structure and improve the disciplinary system. This is necessary to protect the public and to insure the judiciary's power to regulate the profession. No system will satisfy every client, but the system should strive to right wrong conduct.

The Need for Direct and Exclusive Judicial Control of Lawyer Discipline

To strengthen judicial regulation of the profession, it must be distinguished from self-regulation. Control of the lawyer discipline system by elected officials of bar associations is self-regulation. It creates an appearance of conflicts of interest and of impropriety. In many states, bar officials still investigate, prosecute, and adjudicate disciplinary cases. The state high court should control the disciplinary process exclusively. It should appoint disciplinary officials who are independent of the organized bar. The Court should oversee the disciplinary system with as much care and attention as it devotes to deciding cases.

The Need to Increase Public Confidence in the Disciplinary System

*Secret disciplinary proceedings generate the most criticism of the system. It is ironic that this attempt to shield honest lawyers' reputations has made the profession look so bad. What does the public think of hearings held behind closed doors? **What does the public think when the disciplinary agency threatens the complaining party with imprisonment for speaking publicly about the complaint? These do not sound like the judicial proceedings of a free society.** Indeed, several federal and state courts have held that such provisions violate federal or state constitutional provisions. The public will never accept the claim that lawyers must protect their reputations by gag rules and secret proceedings.*

...When a lawyer shows a pattern of incompetence, neglect or minor misconduct, most disciplinary agencies have only two options. They can (1) negotiate a private admonition or public reprimand with the respondent's consent, or (2) hold a formal hearing.

Dismissing valid complaints does nothing to correct the lawyer's behavior or compensate the client. Dismissing so many complaints casts suspicion on the disciplinary process. An admonition or reprimand may motivate the lawyer to change, but provides no guidance on how to change... In these cases, the complainant needs a remedy...

The Need to Provide Adequate Resources

In the last twenty years, lawyers have volunteered hundreds of thousands of hours to carry out Clark Committee reforms. Lawyers also have paid millions of dollars to fund disciplinary agencies. Still, funding and staffing have not kept pace with the growth of the profession...

[Lawyer's Duty to Protect, The Journal of the Legal Profession](#) by Douglas B. Baker

Lawyer's Duty to Report Ethical Violations,

"The first thing we do, let's kill all of the lawyers." The current situation is not quite so drastic but who is to say it might not be in time. The legal profession is perhaps the last remaining profession governed exclusively by a system of self-regulation. In practice, however, this concept of lawyers regulating other lawyers is probably more theoretical than factual. In 1970, the Special Committee on Evaluation of Disciplinary Enforcement issued the Clark Report outlining the state of the legal profession at that time. The Committee found that, more often than not, lawyers failed to report violations of the Code of Professional Responsibility committed by other lawyers to the appropriate disciplinary authorities and even when such violations were reported, the disciplinary agencies would not take action against those attorneys with whom they may be acquainted.~ "After three years of studying lawyer discipline throughout the country, this Committee must report the existence of a scandalous situation that requires the immediate attention of the profession. With few exceptions, the prevailing attitude of lawyers toward disciplinary enforcement ranges from apathy to outright hostility."

A more recent statement of the problem was noted by Eric H. Steele and Raymond T. Nimmer in their article concerning professional regulation. "The legal profession is currently the subject of controversy and criticism. Individual attorneys are often described as unethical and incompetent, while the bar is portrayed as politically partisan, captive of economic interests, and unresponsive to the public interest. Public opinion polls document disrespect for attorneys as a group." All of this seems to indicate a hint of self-protection operating within the legal ranks. In recognizing the problem, it becomes obvious that some remedy is essential to the survival of the profession and, more specifically, to the continuation of the privilege to regulate ourselves.

As noted earlier, the legal profession purports to be exclusively self-regulated. The basis for this system of regulation is found in the various codes of professional responsibility and conduct. These codes have historically been the guidelines for regulating the bar...

The states have set up systems of disciplinary machinery for the purpose of implementing these rules. Each state usually has a General Counsel or, on the local level, a grievance committee that investigates complaints entered against lawyers. Complaints are either dismissed at this level or some type of sanction is proposed. Sanctions basically include private reprimand, public reprimand, suspension, or disbarment. In some jurisdictions a disciplinary commission is also established to review the proposal of the investigating body and approve, modify, or reverse their decision. When formal charges are sought, they are recommended to a disciplinary board who then actually decides whether the charges should be sustained against the lawyer. If one of the harsher sanctions, starting with public reprimand, is sought, the disciplinary board makes such a recommendation to the state's highest court who makes the final decision imposing the sanction.

To begin to understand the practicing attorney's apparent aversion to his regulatory obligation, i.e., his duty to report in particular, a glance at the meaning and the controversy of DR 1-103 is necessary. On its face, the requirement of DR 1-103 is quite clear." The rule imposed a distinct obligation upon each attorney to report any violation of DR 1-102 of which he has unprivileged knowledge. Part (B) of the rule also requires the lawyer to disclose any such knowledge to a tribunal or other disciplinary authority upon request. Disciplinary Rule 1-103(A) and DR 1-102 are to be construed so as to require an attorney to report not only actual misconduct but also another attorney's failure to report a known violation. Whether this is actually done or not will be discussed herein. A strict reading of the rule illustrates its intended rigidity. In the eyes of many in the profession it is this rigidity that has at least caused the initial problems of bar regulation.

This strict requirement to report other attorneys has been the subject of many of the changes made by state bar associations in the Code of Professional Responsibility originally propounded in 1969 by the ABA Committee on Ethics and Professional Responsibility. While most state bar associations have adopted most of the Code verbatim or with minimal change, DR 1-103(A) has undergone some significant reworking. Several states, including Arizona, have changed the phrase "shall report" to read "should report," apparently as an attempt to make the duty to report aspirational rather than mandatory. Going a step further, the District of Columbia Court of Appeals Amended Canon One of the Code in 1972 by deleting DR 1-103(A) altogether.

In those jurisdictions that have adopted DR 1-103 as originally promulgated the mandate remains clear, and other reasons, or explanations, for impeding the self-regulatory scheme must be sought.

In the academic setting it is easy to see how the different rules should and should not work, but in actual practice it may not be so easy. This is probably because, for the lawyer, many other factors come into play that have to be weighed against the duty to report in order to reach the most optimal decision in a given situation. It is hard to say what exactly is going through a lawyer's mind when he is making the decision to report

or not to report something concerning another lawyer of which he has knowledge; but, at least, some proposed reasons for failure to report can be noted.

*First, there is a scarcity of case precedent indicating any enforcement of DR 1-103. Only five cases have been found that include a finding of a violation of the obligation to report. Of these five, only one really appeared to be issuing a sanction solely for failure to report. In the other four cases the respondent attorney also had participated in, and had been charged with, some other misconduct. In the case of *In re Brown*," the Illinois Supreme Court found no evidence that the attorney had participated in any of the illegal acts of which his partner in the firm was engaged. "On the other hand, the evidence does show he knew Dryer [his partner in the firm] was issuing the false statements in the firm name." The attorney was suspended for six months. The implications from this apparent lack of enforcement of the reporting rule are two-fold. With no threat of enforcement there is nothing to prevent attorneys from ignoring their obligation under DR 1-103.2a Beyond this, the absence of reported decisions finding a violation of the duty to report may say something about the zeal, or lack thereof, of this profession's disciplinary agencies. "The absence of reported cases or ethics opinions imposing discipline upon attorneys for failure to report misconduct suggests that the practicing bar's indifference toward DR 1-103(A) is fostered by courts and state bar disciplinary bodies, those with the initial responsibility for discipline in the legal profession."*

A second reason, the one probably thought by the general public to explain the current situation, is the idea of professional protectionism, a sort of "we against they" attitude. The Clark Committee in quoting a past president of a state bar noted: "Lawyers are extremely reluctant to complain about their brethren. We have a false sense of fraternity that keeps us from complaining about other men when they do something wrong." In reality, there may be some sense of self-protection operating when a lawyer is making the decision of whether or not to report another attorney. This concern for self preservation, however, probably exists not so much on the professional level as it does on the individual level. In other words, when making this decision, lawyers are probably more concerned about themselves than they are about the profession in general.

This concern for the possibility of ramifications against a reporting attorney then is a third possible reason for balking at the duty of self-regulation. "For the young associate or struggling practitioner, fear of economic and social reprisals undoubtedly still deters compliance with DR 1-103(A)." Can this particular problem ever be resolved? This factor, in conjunction with the next potential reason for violation of the obligation to report, probably comes closest to explaining what considerations go through a lawyer's mind when confronted with a situation of unprivileged knowledge of a violation of the disciplinary rules. Lawyers are ignorant of or, on the other hand, very concerned about the harshness of the possible sanctions that could result against the accused attorney from their complaint, especially when the reporting is for relatively lesser violation^{^^}. "An unfounded belief that reporting an attorney results in his instantaneous ruin would naturally deter reports of minor transgressions to the disciplinary authorities."

A final possible explanation for the continuous violation of DR 1-103 may be based on human instinct. From childhood, we have been instilled with the notion that "finking" on another person is bad. As a result, reporting another attorney is contrary to one's personal morals or individual code of ethics.^{2e} Reporting someone else may make one feel like one is better than the person, a feeling most people do not like, or an image most do not like to portray. "At first blush, DR 1-103(A) seems to require behavior that runs counter both to instinct and all basic moral training."

All, or some, of these factors are likely taken into consideration when a lawyer is making the decision of whether or not to file a complaint against another attorney with the disciplinary authorities. Most lawyers today probably realize that they have a prescribed duty to report, or actively try a case against, another attorney who has been negligent or involved in some other misconduct, but after balancing the advantages of reporting against the possibility of what could happen to his own career if he did report the scale tips in favor of not reporting. This is coupled with a feeling that the existing disciplinary agencies should be able to police the profession and that individual attorneys should be relieved of this responsibility. "In view of these resources and those of ordinary law enforcement agencies, some lawyers maintain that the damage to personal relationships and the personal discomfiture stemming from the duty to report a fellow lawyer are not offset by a compelling need for mandatory attorney activism."

The likely result of this balancing process is that most of the complaints which are made against attorneys will be made by their clients. "The bulk of disciplinary agency caseload involves complaints made by clients against their attorney[^]."^{^^} When lawyers do report, the case usually involves a violation of some specific norm of conduct, or, in other words, some clearly identifiable misconduct such as solicitation or misappropriating client funds.³⁴ Such identifiable deviants can be treated, and are often recognized, as "outsiders" by those in the profession and therefore the concern for negative consequences to the reporting attorney are not as likely.³⁶

Problematic attorney conduct can be singled out and the perpetrator dealt with as an outsider, a deviant being unlike other members of the profession. The deviant can be sanctioned without injury to the basic professional image. This orientation reinforces the notion that problems of attorney behavior involve a limited number of deviant lawyers.

While this rule is good, it is the lesser violations such as negligence, incompetence, and neglect with which the public is most concerned.' Most of the client complaints received by disciplinary agencies involve allegations of some type of inadequate performance, as opposed to one of the major violations. it is in this area that self-regulation needs improvement.

The fact that most of the complaints received by disciplinary agencies are client complaints leads to another particularly troublesome situation. For the most part, those making up the disciplinary bodies are also lawyers and often the same type of problem exists, but at this point is only exacerbated. The attorneys who make up the disciplinary

agencies often empathize with the respondent lawyers who are reported for negligence, or some other type of inadequate performance, probably for many of the same reasons discussed earlier. "Client complaints received by bar grievance committees are sifted through the profession's moral screen. Consequently, the questions regarding lawyer competency that concern most clients are given virtually no attention."

Realizing the effects of this balancing that the attorney engages in when he is faced with knowledge of a violation and his duty of compliance with the DR 1-103 obligation, something is needed to tip the scales in the direction of reporting. The Model Rules of Professional Conduct, adopted by the ABA in 1983, are an attempt to remedy the problem of nonreporting by requiring lawyers to report only "substantial" misconduct, or in other words, misconduct "substantially" reflecting on the violating lawyer's ability, or fitness, to practice law. The Comment to Model Rule 8.3 "limits the reporting obligation to those offenses that a self-regulating profession must vigorously endeavor to prevent. A measure of judgment is, therefore, required in complying with the provisions of this Rule." It was noted earlier that several jurisdictions have taken similar measures by replacing the word "shall" with "should" or by deleting DR 1-103 altogether. But such efforts will not do anything to change the reluctance to report that now exists. These measures merely accommodate the present situation and provide a "legal" way for lawyers to avoid their regulatory duty. This will not, by any means, restore the integrity and public image of the profession.

What is needed is something to encourage lawyers to report the lesser violations with which the public is most concerned. To accomplish this, the possible reasons for not reporting must be affected in such a way as to shift the attorney's balance in favor of disclosure. Of the reasons noted, probably the two having the greater impact on the lawyer's decision are his ignorance, or concern, about the possibility of harsh sanctions being imposed for the relatively minor violations and, stemming from this, the fear of potential social and professional ramifications in the form of subtle retaliation. Some assurance is needed that any sanctions imposed will conform to the violations committed. In other words, any element of discretion at the agency level should be removed. This assurance could be accomplished by a system of categorizing particular kinds of misconduct under prescribed sanctions. The Court, as they have the final say in issuing the stronger sanctions, would review the findings of the disciplinary boards to insure that the prescribed categories and sanctions have been followed. For the lesser sanctions the disciplinary boards would have this duty. This proposal is rather inflexible, but in this instance flexibility needs to be sacrificed in favor of greater participation. This type of system, along with heightened education in law schools concerning the need and consequences of reporting, should greatly contribute to accomplishing the needed shift. Removing the fear of discriminatory use of the disciplinary process in this manner is essential if lawyers are to be encouraged to discharge their duty to report a fellow lawyer's misconduct."

With lesser sanctions prescribed for the relatively minor violations, the question then becomes will such sanctions deter the misconduct being reported? One thing is for sure,

greater lawyer participation will at least satisfy the general public that the legal profession is concerned and actively working at its duty of self-regulation. If this is not accomplished, the future of our current regulatory scheme will be bleak at best. The threat of outside regulation is imminent.⁴³ Laymen now serve on disciplinary boards in at least eight states." Outside regulation is not appealing. Having an "outsider" looking over our shoulder does not help much in maintaining the "mystique" of the legal profession. "We lawyers have a lot to lose by having outsiders look over our shoulders. Appearing to make law more of a technique and less of an art lowers our status."~" The Clark Committee, back in 1970, wrote:

The profession does not have much time remaining to reform its own disciplinary structure. Public dissatisfaction is increasing. Proposals for public participation in the disciplinary process already have been made and, in at least one instance, have been implemented. Unless the profession as a whole is itself prepared to initiate radical reforms promptly, fundamental changes in the disciplinary structure, imposed by those outside the profession, can be expected

Another innovative answer to lawyer apathy was suggested in the case of Williams v. The Council of the North Carolina State Bar. The issue in that case was whether or not the plaintiff had a claim for relief in a civil action against a third attorney who knew of misconduct by the plaintiffs attorney but failed to report it. The Court of Appeals in North Carolina dismissed the complaint.

The message to be conveyed here is that something must be done quickly, and "that something" has to be increased lawyer participation within the disciplinary structure. "Clearly, the disciplinary agencies, underfunded and understaffed, cannot manage the task of investigating and prosecuting professional misconduct without the active participation and assistance of both the Bar and the Bench."4s Lawyers must comply with their obligation under DR 1-103 for our system of self-regulation to work.

Organized Crime and Judicial Corruption

When one examines the prevalence of *negligence and greed* of family lawyers, on top of the *failure to report* amongst lawyers, on top of the failure of bar associations to provide proper governance it is evident that the situation for women and children, particularly victims of domestic abuse is dire indeed. However, if one examines how organized crimes works within the judicial system, the situation takes on dimensions and proportions that demonstrate that even *petty judicial corruption* (particularly when left unchecked) is a danger to the very fabric of a democracy as the lower courts become a cesspool for the lowlives and criminals (lawyers) amongst us. Michael D. Lyman and Gary W. Potter³⁴, provide insight into the reality of organized crime, versus the mythology in *Organized Crime*,

³⁴ <http://justicestudies.eku.edu/sites/justicestudies.eku.edu/files/pottervita.pdf>

Many issues surround the understanding of organized crime, and many experts and scholars who have studied the topic have interpreted its meaning and social significance differently. Although we have endeavored to present these different views throughout the book, we have chosen to focus on two parallel themes: (1) ... organized crime consists of many other groups for which race or ethnicity may not necessarily play a role, but whose affiliation is based on the special needs of the group, and (2) without the support and assistance of corrupt government officials, legitimate businesspeople, and politicians, organized crime as we know it today would cease to exist...

Organized crime groups are difficult it is to examine. Smith (1990) criticizes Cressey's view of organized crime by suggesting that in understanding only Italian American crime families, one understands only part of the problem—and not necessarily the most important part. He argues that the Mafia mystique was created by headlines crediting law enforcement with crippling many organized crime organizations through the successful prosecutions of its elderly Mafia leaders. According to Smith (1990), "We could almost sleep well, except for the two concurrent crime stories that command our attention: (1) our national failure to control a drug trade in which the major trafficking are not Italian; and (2) the rise in exorbitant white-collar crimes, either proven or still under investigation on Wall Street and the defense industry. Put them next to the Mafia and ask yourself: What is organized crime—really? Smith summarizes his hypothesis of organized crime by suggesting that the phenomenon be looked on as enterprises occurring along a spectrum of legitimacy. In Smith's view, illicit enterprise, or illegal business, should be the focus of organized crime studies and research..."³⁵

And, the Center for the Study of Democracy, in *Examining the Links between Organised Crime & Corruption*,³⁶ explains the networks through which organized crime is maintained.

The European Commission (EC) contracted the Center for the Study of Democracy (CSD) to analyse the links between organised crime and corruption. The main objectives of the study were to identify:

- *causes and factors that engender corruption by organised crime (including white-collar criminals) within the public and private sectors,*
- *the scope and the impact of that corruption on society and institutions;*
- *organised crime's main corruption schemes, the areas or risks they create, and the related differences amongst European Union (EU) Member States (MS);*
- *best practices in prevention and countering corruption linked to organized crime;*

³⁵ "Understanding Organized Crime," *Organized Crime*, Michael D. Lyman and Gary W. Potter, Prentice Hall, 4th edition, http://wps.pearsoncustom.com/wps/media/objects/6904/7070214/CRJ455_Ch01.pdf

³⁶ <http://www.csd.bg/artShow.php?id=15192>

- *framework for a future assessment of trends in the link between organized crime and corruption, as well as corresponding counter measures.*

Defining Corruption

Colin Nye, speaks of corruption as the abuse of public power not solely for private profit or wealth but also for “status gains” (Nye 1967), and Khan (1996) who defines corruption as the misuse of public power for motives such as wealth, power, or status. ... Heidenheimer (1989), categorises corruption according to social acceptance, positing ‘shades’ of corruption from ‘white’ (socially acceptable) to ‘grey’ to ‘black’ corruption (socially unacceptable)...

Spencer et al. (2006) describe corruption as “many kinds of “irregular” influence, the objective of which is to allow the participants to make profits they are not entitled to, the method being the breaking of internal or external rules”. ..

Spencer et al. (2006) differentiate between the following levels of corruption:

- *systemic, when corruption is incorporated within the entire or particular aspect (e.g. border control) of the rule of law system (multiple institutions: judiciary, police, customs, tax, etc.);*
- *institutional, where the institution affected is tolerant of corrupt practices;*
- *individual, where the person is prepared to undertake illegal actions because their employment provides them with an opportunity to exploit their position for gain.*

All these levels are relevant when the links between corruption and organized crime are discussed. While some limit the term ‘corruption’ only to the public sector, private sector corruption will also be considered in this report. Private sector corruption is most often referred to as ‘fraud’.

FIGURE 1. INSTITUTIONS AND LEVELS TARGETED BY ORGANISED AND WHITE-COLLAR CRIMINALS

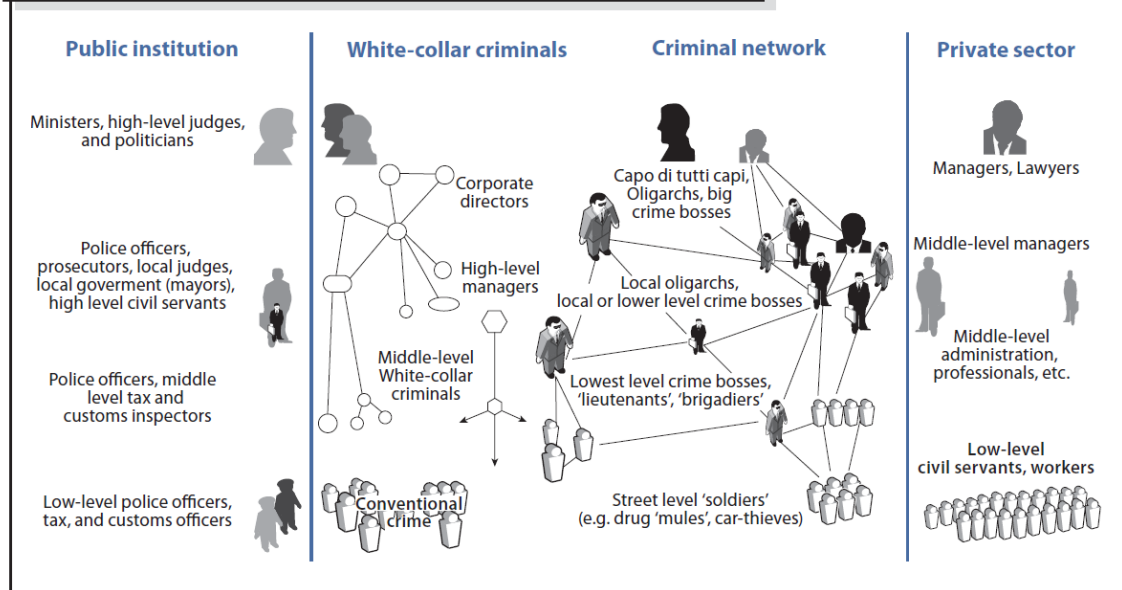
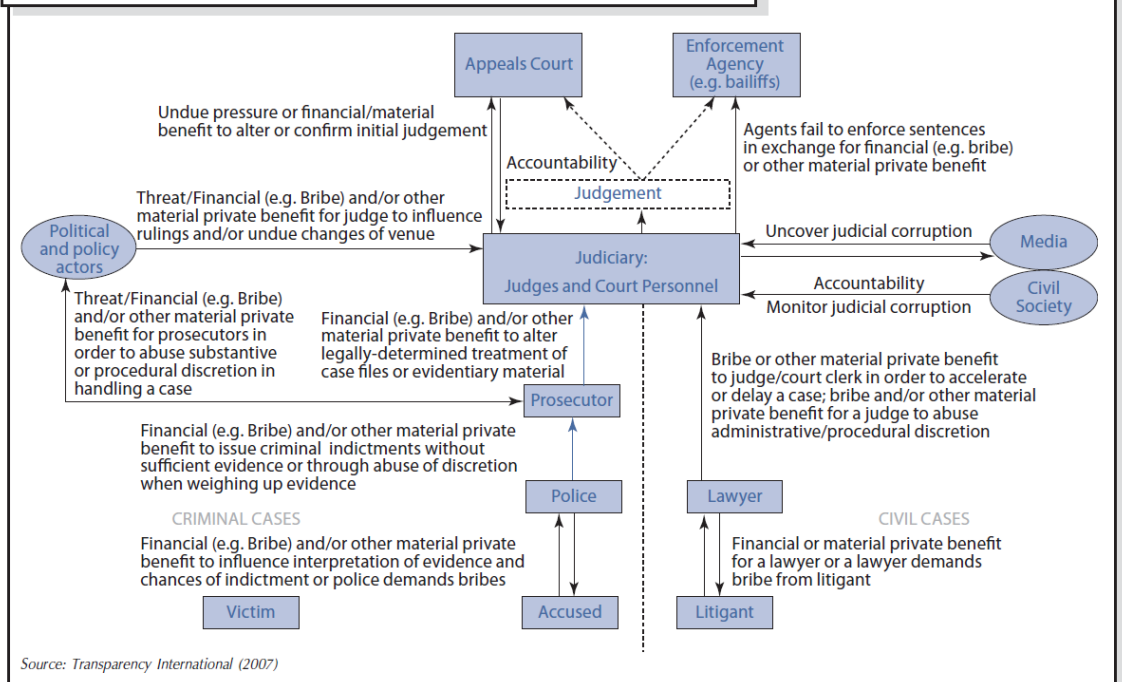


FIGURE 3. JUDICIAL CORRUPTION



Source: Transparency International (2007)

The crux of the problems within the courts (and the entire political arena) is rather simple. For the past four decades (or more) the world has seen a systematic lack of accountability,

transparency and governance within the legal profession and court systems, coupled with a global rise in social conservatism. So as logic predicts networks of criminality have been at total liberty to install and in-root themselves with little effective resistance from anyone. As these networks have grown and in rooted themselves into the daily functioning of court procedures more and more civil servants have become implicated in crimes and with each passing case, cover-up of all the crimes becomes more necessary for more and more people, and the cycle continues. Perhaps the most heinous criminal networks within family courts are the pedophile rings. One well-known case in the USA is that of Lori Handrahan and her daughter Milaⁱⁱⁱ in Maine, USA.

The irreparable emotional damage that is being done to children each year by rampant greed and corruption in *family courts* is so heinous and unspeakable—it defies words. The fact that so many (professional, upstanding) people are profiting from the pain and suffering of so many women and children makes this situation no different from what the Nazis did to the Jews in their concentration camps. Perhaps presently, these women and children are not “concentrated” into a defined physical space, with four-walls and bars; and the torture and atrocities being perpetrated are not as openly done as in the Nazi death camps. But, does it really matter to a victim where, when, and by whom, their torture and death is perpetrated? I literally, can no longer bear to read through the documentation of the extreme child sex and physical violence cases.³⁷ My heart is literally breaking, but it is not a medical problem, it is a humanitarian problem. And, while it is only the cases which result in a child’s death that “make the news” and have been used in the human rights jurisprudence *Gonzales Lenahan vs. USA*, 2011³⁸ and CEDAW’s *Gonzalez Carreno vs. Spain*, 2014, these are only the tip-of-the-iceberg in terms of numbers of victims, as well as the number and enormity of the problems and underlying issues.

Therefore, in order to combat the continuing encroachment of the *social conservatism*—and all the horrors which comes with it—public policies must focus on developing and implementing gender-equality policies, with a focus on *family issues* and *holistic solutions* to:

- the dual-career challenges of the modern work-forces
- over-burden of women who work outside the home, caused by her ‘second shift,’ and financial dependence of women who work inside the home for no pay
- failure of governments and courts to recognize the economic and custodial rights of women

A holistic, public-policy approach, which would encompass all of the afore mentioned, can only be achieved by a concurrent paradigm shift of the ***work-place*** and ***work-force***. With the explosion of Internet-usage in the past decades, as well as technological advances, the

³⁷ <http://abcnews.go.com/Health/billionaire-twins-abused-slaves-doris-duke-heir-father/story?id=19853671>

³⁸ <https://www.aclu.org/cases/jessica-gonzales-v-usa>

opportunities for online collaborations amongst people within the private and public sectors are constantly expanding.

However, due, much to problems created in economies and markets guided by (as economists Akerlof and Shiller have paraphrased) *phishes phishing for phools*, economies around the world are in a shamble. And, the ability of *phools* to create, and re-create, economic crises after crises is increasingly enabled by the almost singularly hi-tech focus, with a dearth on the *People* element. As the UN reports above indicates, in order to assure sustainable development, “a paradigm shift on how development will be financed is required.” And, the paradigm shift must be “inclusive and people-centered” as well as directed at as the UN report states, “ecosystems to people’s livelihoods — to their economic, social, physical and mental well-being and their cultural heritage — of “Mother Earth” as it is known in many traditions.”

A New Paradigm: From Alpha to Beta

The Second Stage by Betty Friedan (1981)

As seen above *People* and *Family* must become part of any political agenda which aspires to the SDGs—a trajectory which has been missing from the Western feminist movement since its inception. Faludi’s criticism of Friedan’s book, *The Second Stage* (and other feminist who she saw as having “abandoned” the “Feminist” movement), fails to appreciate the structural problems of societies which promote full-participation employment rates for women, without first, and concurrently, reforming child-care and work-place systems. A few Nordic societies have provided some models, which if not perfect, provide some guidance of how work-home relationships can be restructured under public-policies. However, the vast majority of countries around the world do not embrace this model, and the global trajectory is moving societies to a return to rigid-hierarchies and unhealthy work-life balance.

The second stage is where we must move, women and men together. We need a new and politically active consciousness-raising to get us beyond the polarized and destructive male model of work and decision-making and the undervalued women’s model of life—the model that takes it as inevitable that having children is a woman’s free individual choice to short-circuit permanently her earning power and her professional future....The greatest political need for women and men now is to make the restructuring of the work-home relationship a part of the American political and economic agenda.

Just as women must not allow themselves to be sucked into the classic male power games in the workplace, we must not allow ourselves to be diverted by the emotion-ridden issues of sexual politics. The abortion hysteria is the desperate last gasp of those who are threatened by women’s autonomy, but do not dare attack it head on; they try to keep us concentrating on the issues of abortion—fighting that battle over and over again. I fear that feminists fall into a trap when they allow abortion to be seen as the feminist issue. Every social survey that is done indicates that though there is ambivalence and disagreement about some questions—for instance, abortion for minors—a national consensus exists on the right of women to choose when and whether to have a child, because that is basic to the personhood of women. Abortion is now a necessary recourse to exercise that right when birth control fails, but abortion itself I hope and believe will

soon be obsolete. Abortion is not a value in itself and neither it nor other aspects of sexual life are the most significant issues for women's empowerment. What is most important is participating on equal terms in economic and political decision-making.

Just as it is now of urgent importance to move the second stage, transforming life as it can be lived with men on a basis of equality both at home and at work, it is time to grow up and move beyond our obsession with having babies or preserving the beauty of our youth, to recognize the new challenges of the eighty-year life span that is women's lot today. We may be amused or shocked (or both) by reports of a sixty-three-year-old woman's having a baby. Although I can sympathize with the attraction of using new technology to obtain one's heart desire, such belated parenthood strikes me as somehow a symptom of our inability to grasp the totality of the life now open to women and to men. This is not just women's blindness, of course: obviously men who choose to start families at fifty or sixty or seventy with younger women—a much more common phenomenon than pregnancy in a sixty-year-old—are clutching an illusion of youth. Although millions of dollars are made selling women cosmetics and face lifts, women on the whole are moving to the pragmatic challenges of their longer life span and of each phase within it.

We are now doing our best to live the second stage. Although too few institutional adjustments have been made, in PTA conference schedules or office hours, whole industries of changes have arisen to recognize the new needs. Take the undramantic but important example of take-out food and the wonderful proliferation affordable ethnic restaurants, offering something beyond the mass-produced franchise fare, which can free others from the burden of cooking dinner at the end of their own long work days. A family that eats together, but eats out together, is part of a new flexibility that families are acquiring.

The great majority of women who are now working in jobs outside the home are doing this with varying degrees of comfort, pressure, guilt, desperation, and pleasure, but all are required to accept the old male model of work. Women, who make up half the workforce today and are getting 40 percent of the professional degrees, do not have wives at home to do the grocery shopping—but now neither do the men...The need to restructure the institutions themselves has not yet been face adequately in terms of public policy.

What women and men today need is not the right to have babies at sixty-three, but real choices about having children in their twenties, thirties, or even in their forties, without paying an inordinate price or facing impossible dilemmas in their careers. We need to restructure hours and conditions of work. The technology of work today (not to mention the traffic jams of our cities) urge us to flextime, with staggered hours of starting and leaving work, and variable schedules during the work week.

But it also seems to me that living equality is not just a matter of sharing the care of babies or rearranging the hours of work. Men and women alike will also need to come to terms with the new long life span, in which all of us will have, in effect, two or three staggered careers. Men as well as women will inevitably become much more comfortable

with varying, complex patterns of life, putting together work, study, family concerns, childcare, and personal adventures, both intellectual and geographical, in a new mosaic over that eighty-year life span. As long as men's identity is defined in terms of simple dominance, either by winning the rat race or, if all else fails, by dominance over women, then women's move to autonomy and power will indeed be threatening..

The second stage is something that the women's movement itself has been slow to embrace, to the ultimate detriment of women. Why does the United States, the richest of all nations, not have a superb national program of childcare combining public and private funds with a sliding-fee scale? Women have the power, if they would choose it, to demand a national system of childcare as a political priority. We now finally have unpaid parental leave: why don't we have paid parental leave or the option of taking unpaid leave for a year or more without losing our jobs? Why are women becoming desperate workaholics trying to fit themselves into that male model of work, while still taking most of the responsibility for the home and family? The attempt to do what is nearly impossible only contributes to a backlash against working mothers juggling family and work, as the majority do today.

The media backlash blames the parents, really meaning the mother, for greed in choosing a dual-earner life, rather than cutting back on expenses so that one parent (guess who?) could stay home full time with the children. The fact is that at least a third of all working parents today are making choices in favor of more family time, splitting parenting more and more evenly, leading to a 7 percent annual growth in home-base self-employment and new movements focusing on "voluntary simplicity" and on fatherhood. In polls a majority of men and women indicate that they would prefer more time for family and personal concerns to a wage increase. But these cannot remain merely small-scale individual adaptations to a fundamentally rigid system. If we are to live a second stage we must move women and men onto issues such as a shorter work week and shorter working hours and a real national priority for childcare.

Even more than when I first dreamed of this twenty years ago, it seems to me now that when we begin to live that kind of equality, insisting on those priorities from politicians and business bosses, there will be a transformation of our current obsession with sexuality, which so brutalizes sex. What we are experiencing today is both a new, more down-to-earth understanding of sexuality as part of our total human experience, and an ever-greater acceptance of diverse ways of living it all—men, women, and children in whatever combination, changing over time.

So we must now find ways to live personal lives to the fullest and accept the new political challenges as they occur. We can all feel joy over the wonderful way the women's movement has transformed the very possibilities of life for women and men, and has opened our society to the new frontiers of a second stage. I only hope I live long enough to see how we get there. (Friedan, 1981)

Betty Friedan's book, *The Second Stage*, was published in 1981, and unfortunately Friedan did not live to see the USA, and even less the world, get to the *Second Stage*—in fact it is the realization of Friedan's dream that faces the challenges of humanity at present.

Basically, if one examines the root issues, they are ultimately a debate over *private vs. collective rights*. And, while the West (particularly Americans) contend that western ideologies prioritize *individual rights* while eastern ideologies prioritize *collective rights*, this perspective fails to recognize the *continuum* aspect of the situation. This point-of-view also fails to recognize that: regardless of whether societies are more *individualist* or more *collectivist*; and regardless of the geo-political situation of the society in question; women and women's individual rights are **always** subordinated to the rights of the community and the *collective good*. Women's bodies are not considered their own property in the same way as men's bodies are considered their own property; because *reproductive wombs* are a scarcity, whereas men's reproductive contribution is abundant, and therefore less "valuable" in terms of market value to the collective good. It is simply an equation of supply and demand.

Even the belief that promoting *full-participation employment* as a gender-equal policy issue (with the assumption that it favors the individual rights of women to work outside the home) fails to recognize that,

(1) a certain percentage of the population of women (~30-40%) will be driven more by their maternal instincts than by professional ambitions (*individual rights*), preferring to be primary-care givers to their own children rather than pursue commercial or political interests outside the home (thereby hampering their ability to participate fully in the remunerated work-force, *collective good*). It should be noted that just because a woman works in the home, that does not mean she cannot participate in the public sphere (ie. political activism)—that is an antiquated tradition, nothing more

(2) to transfer a majority of the social and financial responsibility of household care-giving to women (particularly homemakers), puts the *collective good* (of producing future work-forces), before the *individual rights* of these women (their right, that their work, and contribution to society, be recognized by that society)

The suppression of the *individual rights* of women's in favor of the *individual rights* of men by family courts in the situation at hand, is as flagrant, as it is discriminatory.

However, what should be noted is that under a paradigm that values care-giving and motherhood, public-policies which prioritize *the family* are no longer incongruous with the *individual rights* issues which usually plague the East/West discourse and debate, particularly in relation to family law. When one changes the social context within which the debate is formulated, it becomes evident that what is faulty is the fundamental ideological basis of antiquated societies, rather than the impossibility of achieving a social model and paradigm capable of resolving, and equilibrating *individual rights* with *collective good*. **In fact, when examined under this light, protecting *individual rights* within the family becomes as much a political necessity as protecting *individual rights* within the public sphere to combat crime and violence, because the latter is not possible without the former.**

Within this context promoting *family values* no longer becomes an exclusively political terrain for the extreme right – and breeding ground for social conservatism. Under the new paradigm proposed by Friedan, the left has the political ideological base that it needs to develop holistic, integrated public-policies which not only allows for an equilibrium in society between *individual rights* vs. *collective good*, but actually maximizes *individual rights* while promoting the *collective good* (not just their *rights* under an antiquated patriarchal system, which is detrimental to the *collective good*).

“To Bellow like a Cow: Women, Ethnicity, and the Discourse of Rights” by Radhika Coomaraswamy

In order to examine the new paradigm that Friedan proposes in *The Second Stage*, from a human rights perspective, Radhika Coomaraswamy provides an analysis of the situation in her chapter “To Bellow like a Cow: Women, Ethnicity, and the Discourse of Rights” in *Human Rights of Women: National and International Perspectives* (1994)³⁹

Introduction

In The Politics of Rights, Stuart Scheingold writes;

The appeals made by the myth of rights for the support of Americans are rooted in traditional values and closely associated with venerable institutions. The symbolic voice of the myth of rights can, moreover, be easily understood and readily adapted to political discourse. But just how compelling is it? How pervasive and widespread and uniform a grip do legal values have on the minds of Americans?

Implicit in this argument is that, for human rights to be effective, they have to go beyond the normative, textual essence and become a part of the legal culture of a given society. They must strike a responsive chord in the general public consciousness with regard to political and civil issues. This resonance is therefore the clue to whether the “myth of rights” works in a given society to ensure the political and civil rights of all persons.

This chapter argues that in the area of women’s rights as human rights there is the least amount of resonance, []and this lack of resonance has prevented the effective implementation of rights.

The barriers to the implementation of human rights are two-fold. First, the lack of proper implementation machinery to make rights real in the lives of women is an obstacle, as is women’s lack of awareness of the rights machinery that would empower them. The second and more formidable barrier is the refusal to accept the values in and of themselves: an ideological resistance to human rights for women.

In saying this I do not want to get caught in what is called the “Orientalist trap.” It is easy to divide the world into bipolar categories: the west is progressive on women’s

³⁹ *Human Rights of Women: National and International Perspectives*, edited Rebecca J. Cook, Univ. Pennsylvania Press, Ch. 2, 1994

rights and the east is barbaric and backward. The reverse of this argument from the eastern point of view is to accept the distinction, but to say that the east is superior, more communal, and less-centered with no place for this “adversarial” concept of rights. I would argue that in South Asia both traditions exist. There are examples of personal laws and women’s rights that informed issues such as no-fault divorce and the best interest of the child centuries before the west considered them. The Kandyan laws of Kandyan Sinhalese are one example.

The Privileged Female Personality

To analyze the barriers posed by culture, custom, and personal laws with regard to women’s rights as human rights, it is important to analyze the underlying assumption about the female personality that accompanies any discourse of women’s rights especially in documents such as the Convention on the Elimination of All Forms of Discrimination Against Women (the Women’s Convention). The personality that is privileged in such documents is the free, independent woman as an individual endowed with rights and rational agency. It is, in fact, the culmination of the enlightenment project, the “rights of man” now being enjoyed by women. This is perhaps exemplified in the most controversial, and therefore the most important, provision of the Women’s Convention, Article 16.

Article 16 requires that the states parties on a basis of equality of men and women ensure that women have the same right to choose a spouse freely and to enter into marriage with their free will and full consent. It also requires the state to ensure the same personal rights for husband and wife, including the right to choose a family name, a profession, and an occupation.

Though the Women’s Convention emphasis is on the principle of nondiscrimination, and not on the principle of empowerment, there is the assumption that it privileges the free, independent, and empowered woman. The only female differences accepted by the Women’s Convention related to a woman’s condition of maternity in the section on labor law and with regards to special rights related to the redressing of historical grievances. The highlighting of these differences is only to ensure that the state take necessary measures to ensure that a woman is given the opportunity to develop her individual identity, rooted in an enlightenment view of the human personality, a personality without fetters or community context.

I am in agreement with the enlightenment view of the human personality. But it would be wrong to assume that the values contained in the Universal Declaration of Human Rights are truly universal. Such an assumption would make more than half the world subject of ridicule. However, to work toward this enlightenment ideal, it is important to expose the ideologies of power that sustain counter-ideologies which view women as inferior. It is also important to learn how Asian societies may in fact further the rights of women even beyond those contained in international conventions—those rights which are attached to a woman in the context of her class, her case, and her ethnic group.

The Duality in Modern Law

For the greater part of the non-western world, the approach to women is couched in ambiguity. The Sri Lankan Constitution inspired by liberal, socialist norms is one such example. It states after a general nondiscrimination clause that includes sex:

Nothing in this Article shall prevent special provisions being made by law, subordinate legislation or executive action for the advancement of women, children and disabled persons.

On the one hand, the drafters argue that this formulation is to allow room for affirmative action on behalf of women, but the juxtaposition of women, children, and the mentally retarded is an extremely interesting feature. It is especially so if we compare it to Article 4 of the Women's Convention:

Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discriminatory.

The first formulation as expressed in the Sri Lankan Constitution does not accept responsibility for historical wrong while the second implicitly does. The reason for this lies also in the fact that Sri Lanka is a Buddhist society; many of its leading scholars feel that there was no traditional discrimination against women and that discrimination is a colonial legacy. This line of thinking is dominant—discrimination originated with colonialism.

Second, the Sri Lankan Constitution, in juxtaposing women with children and the disabled accentuates the duality present in all laws with regard to women. On the one hand, there is nondiscrimination and an assertion of women's equality with men. On the other hand, there is the belief that woman is vulnerable and needs protection. In this paternalistic project, women, along with children and the mentally disabled, are denied agency—the right to protect themselves.

The special protection provision on behalf of women is also defended on the ground that the reality of working conditions in a [] country often puts a worker's health at risk. That proposition is indisputable. But the argument of nondiscrimination requires that men also be protected from the terrible working conditions that may impair health. Equality in this worldview is only present to help women, it is not reciprocal. This line of thinking similar to the cases on social security that came before the U.S. courts in the early 1970s, where men as widowers, husband, and dependents claimed social security benefits to which they felt entitled...

Law and Other Ideologies of Empowerment

Since in the final analysis rights are about empowerment, what many South Asians argue is that the traditional roots of empowerment in South Asian societies are denied in rights discourse. The legal strategies that accompany rights discourse aim at an adversarial contest in the courts between the victim and the state. However, it is argued that women's empowerment in these traditional societies has manifested itself not through rights

ideology but through family ideology. There have been in South Asia recently a spate of writings about “Mother, Mother-Community, and Mother-Politics.”

South Asia has the greatest concentration of women heads of state. India, Pakistan, Sri Lanka, and Bangladesh have all experienced women heads of state. There is ideological acceptance of women in the public realm, but this is because these women have appropriated the discourse of motherhood...

If one accepts the mother ideology, how do we privilege the voices of the unmarried and widows? The strategy appears to divide the female community with no real, concrete, political goal save that of agitation. But what is significant is that rights discourse, because of its construction and its style of implementation, is not plugging into many of the dynamic social movements taking place []. Perhaps one should accept that one realm of politics, the other the realm of law. Either way, it is important to recognize that there is an important division within the sphere of social action.

Coomarawamy additionally provides a conceptualization of the various legal interpretations of equality that are restricting the advancement of women within a rights framework.

Whose Equality?

Before we move on to a discussion of the law as a strategy for the attainment of women’s rights through human rights, it seems important to consider for a moment the discourse of equality. Often at the same conference the word equality is used in diametrically opposite constructions. Even international documents vary. Under the Women’s Convention equality is nondiscrimination—a constant measure of men against women. In other contexts equality is access to empowerment as individuals, not as a measurement of the final end that men versus women actually reaches. In some cultures, equality retains notions of separate spheres, the public and the private and separate but equal doctrines prevail, justified by the uniqueness of the maternal function.

In socialist societies equality carries with it the responsibility of the state to socialize maternity and maternal functions so as to allow a woman to work and fulfill her public life. To many others equality is an ideological disposition, rooted in attitudes and psychological make-up which can only be removed through strategies drawn from psychology and post-structuralism. For many other, equality of women is completely dependent on their class, caste, or ethnic group—if these attain equality, then women in these groups will also achieve equality. For feminists, of course, equality is the other side of patriarchy. Since every aspect of life seems to be infected by the gender bias and classification, equality will only be achieved if it is linked to social transformation of a very radical sort.

Given these diverse conceptions of equality, the law in many of these societies as well as at the international level has taken the easy way out. It is only in areas where discrimination can be factually ascertained through empirical data and actual case studies that law is relevant to the question of female equality. It is therefore not unusual that nondiscrimination remains the model legislation in all parts of the world when it

comes to the equality of women. Women's rights couched in this limited human rights discourse are also confined to concepts of equality that are linked to the structure of the law and its relationship with the state in any particular society. In addition, in our part of the world, there is very little autonomy that law enjoys vis-s-vis the state and politics. Human rights are then confined to this post-colonial sector of the law, legislation, the state, the bureaucracy, and political party mobilization. This is the clue to its success as well as its failure.

Barriers: Family and Personal Law

... The barrier relating to [women's] rights are in the urban labor bias of labor legislation.... It is in family law, however, that completely different and plural standards and constructions exist of how we must conduct our personal and social life. It is, in fact, the litmus test in any society with regard to legal norms and the status women. It is also the area where the law, ethnicity, and ideology with regard to the rights of women merge to become a powerful ideological force...

Coomaraswamy also provides the case study of Sri Lanka and no-fault divorce laws, which parallels the issues raised by no-fault divorce in the USA (and other western countries). And, as is the case in the West, the social norms in Sri Lanka prevented reforms from being implemented,

No-Fault Divorce Laws: Sri Lanka

In 1991 a Committee set up to look into reform with regard to the divorce laws of Sri Lanka came up with the following recommendations:

- (a) The establishment of family courts.*
- (b) A non-adversarial approach to marriage break-up by adopting the theory of marital breakdown.*
- (c) Introducing standards with regard to the best interest of the child as the grounds for custody rather than the concept of a natural guardian—in Sri Lanka under Roman Dutch inheritance the natural guardian is the father.*
- (d) The Committee's recommendations were far-reaching in terms of Sri Lankan law which was still fault-based and adversarial with concept of a natural guardian—in Sri Lanka under Roman Dutch inheritance the natural guardian is the father.*

The Committee's recommendations were far-reaching in terms of Sri Lankan law which still fault-based and adversarial with concepts of natural guardian, but the recommendations were well within the trend of divorce reforms sweeping most of the legal world except the Islamic countries. The reaction to the reforms was vociferously negative even from an organization such as the Sri Lanka Women Lawyers' Association. They argued vehemently for maintaining the old system with a few minor changes, their argument being that the present divorce reforms as suggested by the Committee threatened the family unit and therefore went against the interests of women.

The consensus was so openly against the proposed reforms that they were not adopted. The main furor against the reforms was that no-fault divorce went against the interest of the family and especially the wife. Women were in the forefront in challenging the Committee, which comprised leading women academics and professionals.

This crisis among women and their perceptions concerning family and divorce raises some extremely interesting questions. The Women's Convention, to which Sri Lanka is a state party, clearly privileges an independent free woman, but in the case of Sri Lanka the ideology of the family remains supreme. It is the belief that the protection of the family. Ironically, however, the data show an increasing number of female-headed households and the female as the primary earner, whether on the plantations, in the free trade zones, or as a migrant worker. This gap between myth and reality is the ideological construction, the barrier toward formulating laws that will protect women and children at the margins, margins that are increasingly becoming mainstream...

In Sri Lanka, the most progressive of the South Asian societies, women comprise 50 percent of the medical faculty; 50 percent of the law faculty and more than 50 percent of the arts faculty at the university. Women are joining the urban labor force at an ever-increasing rate. Laws are also being drafted to assist women in the rural areas, women who for centuries have worked in the fields without protection.

It is, however, the private sphere, a distinction that came to us with a colonial inheritance of personal laws, that is the most impervious to change with regard to women's rights. Here women are divided not only by community but among themselves about whether a rights discourse is relevant or necessary. Unless we begin to examine the law's approach to the family and to private space in greater detail, and understand the dynamics more fully with regard to ideological constructions that resist legal change, we will not be able to bring rights home to the family. The task is daunting but necessary. Without equity in the family, it is argued, there will not be equity in society. Without mutual respect in the family, we can be sure that there will be no respect for the rights of others in society. As has often been repeated, the family should not be defined in a formalistic, nuclear construction as a husband, wife, and children. The family is the place where individuals learn to care, to trust, and to nurture each other. The law should protect and privilege that kind of family and no other.

As Coomaraswamy explains above, the issues surrounding family law, and private rights are relics and remnants of colonial rule—noting that colonialism is responsible for much of the extreme and organized violence, hatred, and discrimination that plagues the planet. And, as she indicates, a thorough examination of the law's approach to the family, private rights issues, and the ideologies which resist change in order to effectively combat discrimination and advance the rights of women.

However, if one compares the case study of Canada by Kathleen E. Mahoney in “Canadian Approaches in the Courts” (*Human Rights of Women*, Cook), the reality women are facing within judicial systems in the *East* and *West* is no different. It should be noted that the case study of Sri Lanka provides proof⁴⁰ that clearly demonstrates that the barriers to combating discrimination and violence of women (particularly in the home, marriage and family), are not *East/West* issues, nor are they eradicated by women achieving high-level positions within the political nor corporate world.

Although judicial and quasi-judicial bodies are not entirely to blame for the low status of women, numerous studies show that one of the most formidable barriers to women’s equality is gender bias in the courts. The results of judicial decisions are often discriminatory and harmful to women...

If the perspective of women is not considered when family rights are challenged or interpreted, the unequal power division and stereotyped sex roles within families, which usually favor men, are institutionalized. This results in legalized male dominance and female subordination on such “family” matters as birth control, access to abortion, spousal violence, citizenship, and economic independence.

Women’s gender equality rights to development. When it is interpreted in a gender-blind way, traditional theories, strategies, and solutions to deal with development, growth, and under-development tend to ignore the role of women...

Many other examples can be offered from areas such as refugee law, humanitarian law, children’s rights, and environmental law. All demonstrate the same point. Where general “human” norms are equated with male norms, the interests, rights, and concerns of women tend to disappear. Feminist analyses of international law suggest that the problem is global. Men of all nations have used the statist system to establish economic and nationalist priorities to serve males while the basic human, social, and economic needs of women are not met. In both developed and developing countries, the power structures and decision-making processes exclude women, who, in every society, are the poorest and least privileged.

It is clear that if women’s rights are to be recognized and protected and if women are to achieve equality, existing models and values must be questioned and traditional theories, foundations, and boundaries challenged. More women must participate in the male-dominated human rights institutions, in the courts and in other centers of legal decision making. Most important, the international human rights emphasis must shift from the

⁴⁰ The study on Sri Lanka examines a non-Muslim country with a very positive women’s rights stance, and thereby is able to “factor out” the “Muslim” and “full-participation of women” (cultural) variables from the equation. This study (compared with Canada) categorically demonstrates that neither the “Muslim” factor, nor the “full-participation” factor, are the barriers to combating discrimination and violence against women.

discussion and setting of norms to implementation of rights. One of the challenges is to discover ways to use the Women's Convention effectively to deliver substantive gender equality in countries bound by its terms. One approach lies in an interpretation of the Women's Convention that other rights that disadvantage women. Strategies must be developed to ensure that women's voices are heard, that gender-biased myths that buttress the law are removed, that principles applied to the law involve and support women in the legal system, and that judges and other actors in the administration of justice respond to women's needs.

Theories of Equality

In order for women to engage the law's transformative potential, there must be a legal framework with enough flexibility to permit the development of a theory of equality that will advance women's interest, identify and recognize violations of their rights, and lead to effective remedies. It is clear from the extraordinary number of reservations to the terms of the Women's Convention that countries have widely different views on what constitutes discrimination against women. Drawing the line between "justified" and "unjustified" distinction, determining whether or not intention is a requirement for discrimination, deciding on the relevance of purpose and effect—all these choices have led to different interpretations and different results in equality cases. The reason is that the theories behind the choices lack a principled base, a clear, unequivocal purpose to eliminate disadvantage and reliance on unjustified stereotypes which relegate women to second class status from the outset.

In most countries of the world, if equality for women is legally acknowledged at all, it is understood in Aristotelian sense. Equality norms require that likes be treated alike and permit unalikes to be differently. Put another way, equality law is a law of sameness and difference. This is a problem for women because their social reality consists of systemic deprivation of power, resources, and respect. Men do not experience long-term, widespread social conditioning in systemic subordination as women do. Most often, the second class citizenship women endure ensures their difference from men, so it makes no sense to require them to be the "same" as social advantaged men in order to be entitled to be treated equally. Moreover, the sameness/difference model does not allow for any questioning about the ways in which law has maintained and constructed the disadvantage of women, nor does it allow for an examination of the extent to which the law is male-defined and built on male conceptions of problems and of harms. Simply put, it does not permit effective implementation of equality rights when their infringement arises from female-specific circumstances. For example, legal treatment of sexual harassment, prostitution, sexual assault, reproductive choice, and pornography cannot be characterized or questioned as sex equality issues because the male comparators have no comparable disadvantage or need. Women will always be "different." Even governmental action or inaction that further women's disadvantage in these sex-specific areas is not considered to be a violation of domestic sex equality issues because the male comparators have no comparable disadvantage or need. Women will always be "different." Even governmental action or inaction that furthers women's disadvantage in

these sex-specific areas is not considered to be a violation of domestic sex equality guarantees or a violation of the Women's Convention. The sameness/difference model is one of the reasons that rape of women in conditions of war has never been prosecuted as a war crime, yet torture, genocide, and other "gender-neutral" crimes have.

In addition to the male comparator problem, when equality is defined according to the sameness/difference model, the assumption is made that equality is the norm and that, from time to time, autonomous individuals are discriminated against. Systemic, persistent disadvantage is not contemplated. The Aristotelian model is incapable of proposing or restructuring or even identifying systemic discrimination in educational institutions, the workplace, the professions, the family, or the welfare system. It assumes these societal institutions should continue to exist as they are. To be equal, women just need the same chance as men to be able to participate in them. This universalistic, gender-neutral approach does not recognize that institutional structures may impinge differently on men and women. Such an interpretation of discrimination cannot provide women with the systemic remedies they need such as employment equity, equal pay for equal work, adequate child care facilities, access to abortion and contraception, and literacy rights. Without systemic remedies, female occupational job ghettos will persist, women's lives will continue to be biologically determined and their low status will not improve.

Despite its superficial attractiveness and historical longevity, in practice the Aristotelian doctrine is more likely to perpetuate rather than eradicate inequality. When its use by legislators or the courts obstructs the achievement of equality. This cannot be done however, until courts, human rights commissions, human rights committees, and other decision-making bodies reject the Aristotelian model and replace it with a more effective and principled approach.

The history of gender discrimination cases decided by the Canadian Supreme Court over the past ten years provides excellent illustration of the change in thinking that is required. Two earlier cases demonstrate how the Aristotelian theory was used to perpetuate gender inequality and why such use should be recognized as a violation of international law. More recent cases apply a different theory that is far more likely to achieve de facto equality.

The first case, Bliss v. Attorney General of Canada, was decided in 1979. In the Bliss case, the Supreme Court of Canada was asked to consider whether an employment benefit provision was discriminatory when it required pregnant workers to meet more stringent requirements to access unemployment benefits than is required of men or non-pregnant workers. In deciding that there was no sex discrimination, the Court came to the bizarre conclusion that discrimination on the basis of pregnancy did not amount to discrimination on the basis of sex. The Court said if the government treats unemployed pregnant women differently from other unemployed persons, be they male or female, it is because they are pregnant and not because they are women.

It is easy to see that interpretation of sex difference in this case was so narrow as to be perverse. Failure to acknowledge pregnancy as a component of femaleness when

interpreting discrimination not only exacerbates the social and economic disadvantage of women by forcing them to absorb all the costs of pregnancy, it distorts women's reality and perpetuates gender bias in the law. What is not so evident at first glance is the role played by the underlying theory of equality in driving the result.

The outcome of the Bliss case was effectively predetermined through the use of the male comparator or the sameness/difference approach. Compared to men, pregnant women will always be different and they will always be vulnerable to discriminatory treatment. One can readily see how women's opportunity to be treated equally is diminished. They can only demand equal treatment to the extent that they are the same as men. Compounding the difficulties was the further reasoning that even if the discrimination test was satisfied, it was not discriminatory to confer benefits in an unequal way, as the equality guarantees were interpreted as being applicable only to imposed burdens. This, of course, ignored the reality that for those who need them, discrimination allocation of benefits can be just as damaging as or even more damaging than discriminatory burdens.

A second example of a perverse application of the theory was the case of Attorney General of Canada v. Lavell; Issac v. Bedard. In this case, the sameness/difference definition of discrimination was used to perpetuate and condone flagrant discrimination against aboriginal women. The case arose when two native women challenged a section of the Federal Indian Act that disqualified them from claiming their Indian status if they married outside their race. The challenge was made under the sex equality provision that guaranteed equality before the law and equal protection of the law, because Indian males who married non-Indian women did not suffer the same disqualification. Upon marrying non-Indian women, males not only retained their Indian status, they automatically conferred Indian rights and status on their non-Indian wives and children. The effect of losing statutory Indian status meant that, on marriage to a non-Indian, women were required to leave their reserve. They could not own property on that reserve and were required to dispose of any property they might have held up to the time of marriage. They could be prevented from inheriting property and could take no further part in band business. Because their children were not recognized as Indian, they too were denied access to cultural and social amenities of the community. The women could also be prevented from returning to live with their families on the reserve notwithstanding dire need, illness, widowhood, divorce or separation. The discrimination even reached beyond life—they could not be buried on the reserves with their ancestors.

When this institutionalized gender inequality was put before the Supreme Court of Canada, it found that the legislation did not violate sex equality rights. Without providing any principled rationale, the Court merely said that Indian women were not the same as Indian men and could not be compared to them. As long as all Indian women were treated the same, no violation of "equality before the law" or "equal protection of the law" occurred. The Court interpreted the section to guarantee only procedural, not substantive equality. It refused to consider the inherent unfairness or adverse effect of the law on women.

*It is difficult to see how either of the above decision could amount to anything but violations of the Women's Convention and other gender equality provisions of international and regional human rights conventions. At the international level, a state is responsible for the conduct of its judiciary when the use of its legal doctrine violates human rights norms. This is especially true when, as in both Bliss and Lavell, the decision came from the court of last resort. Nevertheless, this situation in Canada persisted until 1989, when the Supreme Court, in the first case requiring an interpretation of the equality guarantee in **Canada's newly entrenched Charter of Rights and Freedoms**, threw out the Aristotelian similarly situated test in no uncertain terms saying it could justify even Hitler's Nuremberg Laws...*

Judicial Gender Bias

The foregoing analysis underscores the crucial role that judges and other actors in the administration of justice play in the achievement of rights for women. In many ways, the judiciary in particular is the institution on which women's rights ultimately depend. Judges are responsible for deciding how and when international human rights law generally and the Women's Convention specifically will be applied at the local level and the degree to which legal systems can be made to conform to international standards. An effective theory of equality is essential, but just as important is the use judges make of it. Experience has shown that even the most progressive legal reforms can be thwarted by a stroke of the judicial pen. Extensive research over the past twenty years demonstrates that judicial decisions in many other areas of law are influenced by biased attitudes, sex stereotypes, myths, and misconceptions about the relative worth of men and women, and the nature and roles of the sexes. Consequently, women are often denied equal justice, equal treatment and equal opportunity by the courts as well as by governments. In addition to areas of law already discussed above, distortion of substantive law through gender bias occur in areas such as damages awards, treatment of wife abuse, criminal law, matrimonial law, and sentencing practices, to name a few. Brief description of the effect of judicial gender bias in each of these areas follow.

Damages

In tort law one sees judicial gender bias at the theoretical level as well as in process and application of the common law including in the assessment of damages. Gender bias becomes embedded in the substantive law from actions such as the action per quod, which recognizes a husband's claims when his wife is injured. The action treats the marital relation as one of master-servant. When a wife is injured, the husband is compensated for the loss of his wife's services including homemaking and sexual relations. At the same time, the action is not available to wives whose husbands are injured. This gender bias influence much of the present day tort law as it applies to homemakers. The concept of equal interdependency in marriage is not accepted by judges in their personal injury damage assessments. It is only very recently that judges in Canada have recognized that impairment of homemaking capacity can be a compensable loss to the homemaker rather than her spouse. But even where assessments have been

granted, they have been pathetically meager, especially when compared to damages awarded for impairment of working capacity outside the home. On the other hand, where actions for compensation are based on wrongful death of wives the damages assessments are much higher. This is because the husband's claim is on a basis similar to the old action per quod and the cost of a market replacement for the wife must be calculated. Judges who are more used to being homemakers rather than homemakers, recognize that husbands whose wives have been killed will have to hire child care workers, cooks, chauffeurs, and housekeepers and award damages accordingly.

Family Law

*In family law, gender bias exists in underlying assumptions and stereo-types that affect division of property, alimony, child support, and custody awards. **In the western world, researchers have traced the "feminization of poverty" directly to judicial misinformation and misunderstanding about the economic and social realities of women and men. They have concluded that inequitable apportionment of the economic burdens of divorce has created an entire underclass of women and children. Some of the misinformation judges rely on include inaccurate economic assumptions about the costs of raising children and unrealistic expectations about women's ability, especially that of middle aged and older women, to earn future income. When the earning power of women who have been out of the job market for many years is overestimated, alimony awards are seriously deficient. The research data show that men experience a 42 percent improvement in their post-divorce standard of living, while women experience a 73 percent loss. In addition, division of property decisions show that judges undervalue the contribution of the wife-homemaker to the marriage. Seldom do judges take a homemaker's foregone income-generation potential and retirement funds into account in any significant way in considering contributions the wife makes to the marriage and career of her husband.***

*With respect to child support, researchers have discovered that judges, for the most part, have unrealistic ideas of the costs of running a family and raising children and awards inadequate amounts of support payments. **Some posit that the awards are based on what the father can afford without suffering a decline in his standard of living rather than on the children's needs. When payments fall into arrears, they are frequently forgiven by judges without justification.***

On the custody issue, the case law indicates that judges are influenced by traditional stereotypes that disadvantage non-traditional women who work outside the home and men who are primary care-givers. They assume children raised in homes with full-time homemakers are better off. The limits this places on the aspirations and goals of women affects their independence, economic security, and equality in a way that does not affect most men. It also fails to recognize that more often than not, the mother is the primary parent notwithstanding the fact that she may have responsibilities outside the home, and that removing children from her custody does them more long-term harm than the lack of an idealized, stereotypical home life. Women often find themselves in a double bind when

they are awarded custody but insufficient support to remain homemakers. Once they leave their homemaking jobs for the marketplace, they then lose custody when the fathers remarry and tell the judge their new wives will stay at home and be “proper” mother for the children. Similarly, women who are battered often lose custody to fathers because of the lifestyle they are forced to adopt to protect themselves. Frequent changes of address are viewed as evidence of instability and the new wife of the batterer, especially if she is a “traditional” mother, will be viewed as the better caretaker for the children.

Criminal Law

In criminal law, gender bias is found in many areas, but probably most notoriously in the judicial treatment of sexual assault and wife abuse. In many jurisdictions, there is a sweeping uncritical acceptance of the view that rape complainants are inherently suspect and may well make false accusations against men. This puts the woman victim on trial in an unsympathetic, insensitive courtroom environment. The nature of the crime of rape, long-term psychological injury to the victim and the prevalence of the crime, especially of a rape acquaintance-rape, are subjects that researchers have discovered judges know little about. This is often reflected in judge-made rules that require corroborated (or at least a warning of the dangers of convicting on the uncorroborated evidence of a rape complainant), or evidence of a recent complaint to support the credibility of the victim, or which permit questions on the past sexual history of the victim to attack her credibility. This is only relies on the sexist assumption that women who are sexually active with more than one man are liars, in turns the trial into a pornographic spectacle. As a result, victims of rape are often reluctant to report the crime and suffer unequal protection of the law. In sentencing practices, gender-biased mitigation principles partially or sometimes totally excuse male sexual violence through a “blame the victim” ideology, which limits women’s freedom to dress as they like, walk when and where they choose, and drink as much as they want—limitations that are not placed on males. Some more extreme examples of this problem include cases where judges have blamed female children as young as three years of age for their abuse because of “sexual provocation.”

Victims of wife abuse face serious gender bias due to widespread judicial misunderstand of the dynamics and seriousness of a battering relationship. This often leads to unjust conclusions being drawn about victims who are reluctant to leave a battering relationship or who do not cooperate in testifying. When a woman is burdened by multiple disadvantages because of her race, disability, or other immutable characteristic, the harmful effects are magnified. Victims who stay in battering relationships are often blamed in a gender-bias way by judges who assess their behavior from a dominant, male perspective which demonstrates a lack of understanding of the context of inequality within which women live. First-hand accounts by many battered women demonstrate that they are often trapped in their relationships. A decision to stay with an abusive husband is perfectly reasonable if, from the wife’s point of view, there is no other place to go Financial and emotional dependence on their husbands; concern for the welfare and their custody of the children; lack of emergency housing and day care; lack of support from law enforcement agencies; the fear of public exposure; inadequate social support

networks; the fear of greater injury; and the tendency of society to blame women rather than their assailants are some of the reasons battered cite for staying in violent relationships. All are related to the unequal social position of women.

These are but a few examples of gender bias. Many more^{iv} could be offered to illustrate its existence. What must be understood is that gender bias in the application and interpretation of laws is important not only for individual women before the courts. To the extent that the justice system suffers from gender bias, the system fails in its primary societal responsibility to deliver justice as a whole suffers. The legitimacy of the entire system is brought into question.

What is the most troublesome and insidious aspect of the problem of gender bias in the courts is the failure of the legal establishment to recognize its existence. It often exists without the cognizance of either the individual or institutions where it is practiced, be they courtrooms, law schools or law firms. Ironically, the judiciary—the very institution that determines the effectiveness of efforts to achieve equality and which can undermine even the most progressive legal reforms through the exercise of judicial discretion and through courtroom behavior—is not scrutinized by social reformers and analysts for discriminatory biases. Why? Probably the main reason lies in the unquestioned and commonly held belief that judges are completely objective, disinterested, and impartial in all their work. The pervasive hold of the appealing and powerful idea of judicial neutrality has affected even those whose job it is to criticize and evaluate the judiciary. Lawyers and law professors have historically limited their inquiry and critiques of judgements to the logic and sensibility of the legal analysis they contain and their relationship to precedent. Occasionally the social, economic, or policy implications of judgements are discussed or evaluated, but rarely, if ever, are questions asked about judicial use of societally induced assumptions and untested beliefs—about the use of stereotypes that judge individuals on their group membership rather than on their individual characteristics, abilities, and needs. Law review articles are rarely written about judges who view issues solely from the dominant perspective, who neglect to consider alternative views, who over-simplify or trivialize the problems of women, or who fail to treat children seriously. The importance of variability of cultural, racial, and gender perspective; of context, contingency, and change are neither discussed in classrooms nor in courtrooms.

Another reason is the courts themselves. Until recently, the judicial arm of government has been loath to accept any culpability with regard to the disadvantaged status of women or other minority groups. The idea that courts could be acting in a manner prejudicial to a specific group in society is generally rejected outright. The failure to entertain this possibility precludes any attempt to begin to rectify or redress the situation. To further complicate matters, the issues of bias is often personalized and reduced to assertions of individual judges denying prejudice on their part or on the part of their associates. This reaction is inappropriate because it confuses the concepts of overt discrimination with systemic discrimination. While there may still be some incidents of overt prejudice, they are relatively easy to identify and rectify. Systemic discrimination,

on the other hand, is far more insidious and much more difficult to eradicate; to do so requires knowledge of its commitment to ending it...

In order to remove gender bias from the judicial process, judges must be able to understand the impact of sex-role stereotypes, myths, and biases on their thinking and decision making. Deeply held cultural attitudes and beliefs about the “proper” roles for women and men must be examined and challenged where they interfere with the fair and equitable administration of justice. This requires education programs that stimulate a sense of personal discovery and enable judges to identify and eliminate their own biases. Presentation of new facts and sensibilities assists this process as does the involvement and commitment of non-judges. The key element to sustainable and successful reform, however, is the realization that change must come from within the judiciary and that judges must lead the program. Not only does this give the program legitimacy and credibility in the eyes of the judges, it addresses the requirement of judicial independence...

If gender, race, and other forms of bias are to be eradicated from judicial decision making, the education of judges on these issues must be comprehensive, consistent, systemic, and of high quality. At the present time [1994], there is no comprehensive long-term pan-Canadian plan for judicial education, no clearing house for materials, no consistent evaluative process providing reliable, comparative results. In order to support and validate the programs in the future as well as to document specific problems and trends, empirical data must be collected as an ongoing part of judicial education.

There is a danger that as the programs grow and develop, organizers may lose sight of the original goals. As new people with different agendas enter the programs, there are tendencies to alter directions and perspectives. One increasingly discernible trend in Canada is the tendency to focus on courtroom interaction rather than on substantive law. the integrity of the fundamental premises of judicial education is to remain intact. Gender, race, and ethnic biases in courtroom interaction are important for judges to address but they are only symptomatic of deeper, doctrinal problems. Learning about more sensitive courtroom behavior does not require judges to re-think the fundamental premises of their decision making and the patterns they form. Substantive inequities must be explained, understood, and changed if real, lasting reform is to occur in the administration of justice as a whole.

“State Responsibility Goes Private: A Feminist Critique of the Public/Private Distinction in International Human Rights Law” by Celina Romany

Another important aspect to examine in the failure of courts to combat violence and discrimination against women is within *public vs. private rights* debate under international human rights law. One of the most common excuses used by government officials and public authorities to justify their *failure to protect* are antiquated *public vs. private* rhetoric that has no more validity than any of the other socially conservative rhetoric pushed forward in the past decades.

Human rights discourse is a powerful tool within international law to condemn those state acts and omissions that infringe core and basic notions of civility and citizenship. "To assert that a particular social claim is a human right is to vest it emotionally and morally with an especially high order of legitimacy. Violence is an egregious form of such an infringement of the core and basic notions of civility and citizenship. Violence assaults life, dignity, and personal integrity. It transgresses basic norms of peaceful coexistence.

Women are everyday subjects of a system of familial terror that includes diverse modalities of violence. Yet the human rights discourse of protection has not been available to women. Women are the paradigmatic alien subjects of international law. To be an alien is to be another, to be an outsider. Women are aliens within an international exclusive club that constitutes international society.

This chapter is an indictment of the human rights discourse, in the hope that this discourse will become responsive to the most basic rights of women. It condemns a human rights framework that construes the civil and political rights of individuals as belonging to public life while neglecting to protect the infringements of those rights in the private sphere of familial relationships. It condemns such framework for not making the state accountable even for those violations that are the result of a systematic failure on the part of the state to institute the political and legal protections necessary to ensure the basic rights of life, integrity, and dignity of women.

I. A Genealogy of the Structural Identity of International Human Rights Law

International Law

The structure of international relations is informed by the construction of the liberal state. This structure presupposes the will of its subjects in instituting the legal order without reference to a natural normative order while simultaneously binding itself to the legal order as constituted. Thus international law adopts the social contract discourse of the liberal state, and its values as well. Within international law, states are the individuals in a "position of equality, freedom and independence towards each other. International society can thus be viewed as a blown-up liberal state that legislates in accordance with liberal humanistic values and that accepts as part of such a contract those values that refer to the essential dignity and freedom of human beings.

The "Liberal" Character of Human Rights Law

Liberalism constructs a social and political order that aims to emancipate the individual from the oppression of political formulation that reinforce hierarchical forms of human association. Yet in such emancipatory formulations patriarchy still remains a strong remnant. The presence of patriarchy serves to expose the gap between liberal concepts and their actual realization. By exposing liberal society's artificial character, a critique of liberal society can narrow the gap between its aspirations and their realization.

In unveiling the genealogy of liberalism and its extrapolation to the construction of the human rights field within international law, male supremacy must be exposed. This is essential in advancing a feminist supremacy must be exposed. This is essential in advancing a feminist critique that recognizes the emancipatory potential of liberalism, in the hope of pushing liberalism's main political tenets to their conclusions...

The so-called first generation of human rights emerges from contemporaneous interpretations of those needs in search of transformation. The experience still had a fresh recollection of the atrocities of totalitarianism and deemed as a paramount concern the separation of state and the individual, in tandem with such initial liberal conceptions of freedom as a negative set of rights. This negative characterization of rights gave way to the emergence of more positive obligation on the part of the state fueled by the experience of exploitation and colonization paved the way for a so-called second generation of rights that addressed the social and economic structural conditions essential for the development of that first generation. The second generation underscored the inconsistencies within principles of justice and dignity alongside forms of political, racial, and economic exploitation such as those exhibited by colonialist regimes that denied basic rights of self-determination. I use the term second generation as a helpful historical characterization tool, and in no way adopt the "supercession" model. Rather, this paper's central arguments is that the first generation still needs to be collapsed with the second in an effort to grant women's political and civil rights.

A feminist critical historical review of those norms considered as jus cogens, for example, which get universal acclaim by virtue of their protection of interests which are not limited to a particular state or group of states, but which belong to the community as a whole must ask why women's issues do not belong to the international community and merely belong to individual states, or to treaty law. A feminist critique must ask why white supremacy belongs to such "community" and male supremacy belongs to the individual state, why gender issues are deemed private with international society.

Eleanor Roosevelt clearly saw the insertion of human rights within the realm of the civil, the political, the economic, and the social and thus clearly foresaw the correct characterization of women's political and civil rights.

Where after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farms or office where he works. Unless these rights have meaning there, they have little meaning anywhere.

The destabilization of the legitimacy foundations embedded in sources and process doctrines of international human rights law can, through a historical feminist assessment, advance such a destabilization agenda. Women's struggle for dignity, justice, and equality still needs to capture the attention of those legislators and adjudicators whose blinders do not allow them to see that women's civil and political structure of gender subordination.

II. "Expanding and Enlarging" Principles and Doctrines of International Human Rights Law

Adapting the Critique of Rights to the International Law Framework

A critique of the rights discourse has to be historicized. Rights have historically played a significant role in the eradication of legal privilege. At the current historical juncture the challenge awaiting a feminist critique is to oversee that the discourse rights learns to walk on its own in the human rights field as applied to women. To argue that such a discourse has "run its course" is to lose sight of the relationship between rights and historical stages.

At a formal level, women do not even have an entrance pass to mainstream human rights law. The public/private distinction continues to be a manifestation of legal privilege that dispense licenses along gender lines. Thus without discarding altogether the value of critiques within "the political climate," to recognize their "defensive character" within "the political climate," to recognize their "defensive character" and allow them to exist not as definitive rigid artifacts, but as instruments that in eradicating legal privilege draw boundaries and instill fairness in the organization of social relations.

*In advocating for a rights discourse in human rights law there is a clear historical understanding of the current position of women within such a legal framework. This would be the net result of the reordering of the current allocation of power embedded in the public/private distinction. **The woman who demands her human rights "is not a supplicant or a seeker of charity, but a person with dignity demanding a just outcome according to widely accepted criteria of fairness."***

The "Substantive" Law of State Responsibility

The requirement of state action as a threshold justiciability question in the context of human rights owes its genesis to the demarcation of spheres between the state and the individual. Such a demarcation is paradigmatic of a social organization founded upon the mythical story of the social contract and crystallized by the emergence of the nation state, via sovereignty theories of the sixteenth and seventeenth centuries.

International law and in particular the human rights field becomes a crucial medium through which underlying liberal values get shaped, advanced, and refined. A feminist reconceptualization of human rights law therefore grapples with such core narratives underlying the individual and the state and, in doing so, exposes from a gender perspective their inconsistencies and exclusions. A key component of such an exposure is the critique of the story of the social contract, the narrative based on natural freedom and agreement, which stems from a conception of the self deemed autonomous and free and which immunizes the state from implication in the genesis of a system of gender subordination. Such a reconceptualization reveals the gender bias of those social

relations upon which the state is constituted; such a critique “casts shadow on the ability of the western tradition to give an accurate picture of human relations.”

The natural social contract story has not been immune from revisions brought about by historical forces. Yet its concept of the negative state that guarantees individual freedom has been deeply entrenched. After experiencing some erosion with the advent of social institutions promoting the public/private distinction regained hegemony as a defense against totalitarianism made progressive forces capitulate to the argument that “any substantive conception of the public interest was simply a first step on the road to totalitarianism.” The neutrality of the state was re-covered as the story of a state defined as the “sum of the vectors of private conflict.”

The liberal foundation of state action requirements in the human rights field need to undergo both external and internal critiques that expose its ideological character. The external critique, by exposing the ideological values in conflict, reveals the flaws inherent in a system of state responsibility built upon the liberal public/private distinction. At the same time this critique fuels an incremental approach upon which an internal critique can be elaborated.

A Deconstruction of the Public/Private Distinction

A critical assessment of the public/private distinction centers on the role of legal discourse as mirroring forms of “systematized symbolic interaction.” Legal discourse “informs our beliefs about how people learn about and treat themselves and others.” In the public/private distinction context, legal discourse reveals a series of “ways of thinking about public and private” as being in constant flux and capable of undergoing revision and reformulation.

A critical evaluation of the public/private distinction also enables us to expose the repressive character of legal formulations, inasmuch as it underscores the role of law in obstructing “aspirations for alternative social arrangements by predisposing us to regard comprehensive alternatives to the established order as absurd.” This evaluation unveils the diverse layers of coercion embedded in legal discourse and aims at rehabilitating reflection as a category of valid knowledge that enables individuals to assess their true interests and compare them with those that are deemed objective.

(i) A critical feminist assessment. Modern patriarchy’s history is an integral part of the story of an original contract. This contract has been the legitimate pillar of state and civil law and the cornerstone of modern civil government. The original contract is a story that has repressed the existence of a sexual contract.

Deconstructing through a feminist lens the classical texts that legitimate modern civil government is an essential task in an external critique. A feminist critique of such an emancipation story needs to carefully draw lines between form and substance since such

a story obscures patriarchy. A feminist critique needs to challenge how “the classic contract theorists began from premises that rendered illegitimate any claim to political right that appealed to nature, and then went on to construct the difference between men and women as the difference between natural freedom and natural subjection.” Sexual difference and sexual relations in the private sphere, therefore, have to be considered paradigmatically non-political, peripheral to political theory if there is to be any consistency behind a public/private divide that injects a caste system into a liberal framework. Seizing the paradox of a contract that constructs political rights on the basis of equality while separating spheres on the basis of a “natural” division which in effect a conception of freedom and subjection, is at the forefront of a feminist critique.”

The liberal state is thus “male jurisprudentially,” a state that adopts “the standpoint of male power in the relation between law and society.” The blown-up liberal state of international society, like its model, supplanted feudalism with democratic revolutionary struggles but nonetheless let women’s human rights in the obscurity of medieval times.

The role of the liberal state in the structuring and maintenance of gender relations of subordination and dominance remains hidden. Unlike structures of dominance and political inequalities among men, men’s forms of dominance over women are “accomplished socially as well as economically, prior to the operation of law, without express state acts, often in intimate contexts, as everyday life. The state’s role in gender hierarchy remains unacknowledged. Thus critical questions regarding the role of the state in embodying and serving male interests “in its form, dynamics, relation to society and specific policies,” regarding its construction “upon subordination of women” and the ways through which “male power becomes state power, need to be explicitly formulated.” The consent of women to these forms of social and political organization is an assumption that also remains undisturbed.

Negative conceptions of freedom in the liberal state also hide women’s subordination. The “invocation of the superiority of negative freedom... the right to be left to do or be what [he] is able to do or be, without interference from other persons” reinforces the status quo of women’s social subordination.

The categories of equality are elaborated on abstract and formalistic conceptualizations of gender relations, which do not deal with oppressive conditions in the real world. The dispensation of fairness in the human rights world is modeled after the abstract construction of women imposed upon them by the forefathers, the architects of the theoretical narratives, the main actors in those revolutionary struggles that aimed to democratize and restore respect for the inner worth and dignity of human beings. These forefathers, with a few exceptions, saw the world through the lens of privileged patriarchy, an angle hard to relinquish.

To the extent that the state is viewed as genderless, as not implicated in the construction of gender subordination, state responsibility for the systemic perpetuation of such subordination in the realm of civil society will not be acknowledged. Therein lies the need to confront the gender stratification embedded in the liberal state.

Susan Okin, in her critique of justice, provides a useful framework for the critique of the public/private dichotomy within human right law. Such a division of spheres, by ignoring the political character of power unequally distributed in family lie, does not recognize the political nature of the so-called private life. Such a division of spheres clouds the fact that the domestic arena is itself created by the political realm where the state reserves the right to choose intervention. This division of spheres sidesteps the unit where our selves become gendered; it obscures the psychological and practical barriers that the social division of labor imposes upon women. As Okin notes,

Once we admit the idea that significant differences between women and men are created by the existing division of labor within the family, it becomes increasingly obvious just how political an institution the family is.

Similarities between the structural components of the family and the state illustrate the arbitrariness inherent in the demarcation of social spheres. The blurring of institutional lines between the family and the state is less pronounced than those between the market and the family. Both the family and the state are units of government within which actors play fiduciary roles while the market is deemed pre-political. Both the family and the state lack the relative space of freedom from rules, which the market enjoys, since the family and the state's decisions are informed by "overarching ideals." Both the family and the state share similar discourses whereby political philosophy refers to family ideals while family theorists allude to political ideals, sharing an arsenal of linguistic imagery when describing the market as a cornerstone of consent. Finally, the "world of work" also lumps together the world of politics, religion, and sexuality in its categorization of social spheres.

The dichotomization of the public and the private sphere cripples women's citizenship. It inhibits the authoritative speech and dialogue that derives from self-determination and thus impairs the successful participation of women in democratic life. It has been explained that "Democracy is the political way of allocating power... what counts is argument among the citizens. Democracy puts a premium on speech, persuasion, rhetorical skill. Ideally the citizen who makes the most persuasive argument... gets his way."

(ii) "Private" terror in the patriarchal family. Family, through canonization, becomes the refuge for the flourishing of those spheres of privacy and freedom that lie at the core of the non-political foundation of the liberal state. At the root of the enshrinement of family in conventional human rights law within the blown-up liberal state of international society lies a convergence of narratives which legitimates a hierarchal ordering of intimate relations; this convergence is hidden from the refuge narrative claims that the family as a social unit is beyond the purview of the state. Love and intimacy become guard in the borders that place the family unit "beyond justice." Thus, beyond justice is the distribution of key crucial social goods, of rights and responsibilities.

Women lose their individuality and are represented in society through the male-headed family unit. An indivisibility image runs through the liberal script and perpetuates women's subordination under the fiction of coverture. This fiction assures that property rights remain in the hands of the male ruler. This coverture expands property to "cover" the female member's body as well as her children. This fiction, through history, has stood in the way of women's claims for basic rights and remains codified with universal standing in the blown-up liberal state of international society. It is this fiction that allows women to be isolated in the private sphere and that has historically contributed to the general condoning of abuse of women within the privacy of the family.

As Linda Gordon has documented, the combined efforts of early feminist activists and "enlightened helping professionals" contributed to adequately naming violence against women as a public crime. Women abuse moved beyond that incorrect characterization of being "a mere emotional expression of annoyance or a symbolic display of power, the result of an individual man's need to demonstrative masculinity." Battered women's formulations of violence have surfaced how beatings "kept women from leaving, kept them providing sexual, housework and child care services as male entitlement"; how it is now "taken for granted that gender inequality, economic dependence of women and the dual labor market all contribute to creating a structural context in which women's options have been severely curtailed.

The history of patriarchal subordination is amply documented. Women's legal, economic, and social dependency has made them historically subordinated and especially vulnerable to male aggression. In both Greek and Roman societies, men had the right to beat and kill women. Christian, Jewish, and Muslim religions encouraged and tolerated wife-beating during medieval times; women were special targets of the Holy Inquisition; witch hunts in Europe, England, and colonial America became the punishment for "deviancy" in women. The eighteenth and nineteenth centuries carried over family laws allowing men's rights to abuse. Napoleon's legislation characterized women as "lifelong, irresponsible minors." As Nanette Davis points out, five themes emerge from these historical accounts: (1) men were considered to own their wives; (2) as owner, the man assumed legal and social responsibility for his wife's actions; (3) women were expected to obey their husbands, and to conform to the gender-specific norm of self-denial; (4) men had complete authority over their wives in domestic, legal, economic and social matters, and (5) the woman's place was in the home.

III. Making Norms and Principles of State Responsibility Responsive to Violation of the Human Rights of Women

State responsibility, a terra incognita for human rights lawyers, is central to an expansive interpretation of human rights law that seeks to encompass women's rights. For human rights law to be meaningful, it must incorporate and inform principles of state responsibility. State responsibility norms for the protection of aliens provide fertile ground for expanding state responsibility in human rights law.

Human Rights Norms of State Responsibility

State responsibility norms do not address the extent of state substantive obligations. To avoid deadlock over defining such obligations, the drafters of the International Law Commission chose to codify general principles of state responsibility for so called wrongful acts of states. The Commission envisaged “a single regime of responsibility for any wrongful act of state, irrespective of the sources of the obligation that has been violated.

By recognizing the individual as an active subject of international law, human rights discourse significantly alters state responsibility norms, necessitating a reconceptualization. Because the end results of the cross-fertilization of these two frameworks is far from crystallized, a feminist critique can effectively insert itself into the process.

The Third Restatement of International Law acknowledges the cross-fertilization in order to bring the “authority of a traditional and long-standing body of law to the emerging, dynamic law of human rights.” It explains that “the difference in history and in jurisprudence origins between the old law of responsibility for injury to aliens and the new law of human rights should not conceal their essential affinity and their increasing convergence.”

*The Restatement’s expansive interpretation of the protection owed to aliens goes beyond those traditionally afforded to nationals to cover personal rights, supporting the claim that women, as aliens, deserve broader protections. The exact contours of these personal rights are not identified in the Restatement. A comment to **Section 711 notes that the personal rights clause includes “injuries that are not commonly recognized as violations of human rights but for which a state is nonetheless responsible under international law when the victim is a foreign national.”** Thus personal rights include those human rights that do not rise to the level of jus cogens. The latter, itemized in Section 702, refer to the most egregious type of violations. As Stephen Ramsey notes,*

This would seem to indicate that activities that do not rise to the level of human rights violations as defined in the static definitions of human rights protected by Section 702 may infringe cognizable rights of aliens. Under this formulation aliens are protected from human rights violations not identified in section 702 even if there is not pattern of violations and even if the violation is not gross. Thus, the law of state responsibility is used—particularly the concept of personal rights—to allow the dynamic expansion of the dynamic expansion of the human rights of aliens. (emphasis added)

The Restatement’s failure to define personal rights is arguably intentional, “allow[ing] progressive development of an expansive definition. The Restatement’s comment, however, characterize personal rights in a manner particularly relevant to cases where states fail to protect women’s rights to be free from violence. Comment (e) of Section 702 extends personal rights to include activities “whose recognition as human rights is uncertain,” such as the failure “to provide reasonable police protection, injuries caused

by private violence encouraged by government officials, failure to provide adequate remedies for injury to person or property, and certain types of undefined reasonable discrimination between aliens and nationals.”

Comments to Section 711 of the Restatement state how “injur[ies] to alien[s] for which a state is responsible under this chapter ha[ve] sometime been characterized as ‘a denial of justice,’ ... commonly used to refer to denial of access to courts or denial of procedural fairness and due process,” and that “most injuries that in the past would have been characterized as denials of justice are now subsumed as human rights violations under clause (a).”

Any theory of state responsibility must be premised upon the principle that the beneficiaries of human rights protections are individuals, “those for whose benefit the law assigns all rights and duties... the peoples of the world.” State responsibility should be premised upon the principle that “The wrongful act of a state is a wrongful act of one set of human beings in relation to another set of human beings.”

Although principles of state responsibility can acquire rigid qualities in tune with the increasing bureaucratization of United Nations structures, there is evidence of greater dynamism in its codification history. Contextualization, as a legal artifact for “inclusion,” has been deployed in this history. The participation of Latin American actors in the codification of state responsibility problematized limited constructions and advocated instead for expansive reading. The First Report drafted by the International Law Commission in 195 endorsed a “principles” approach to state responsibility that laid out the rules and principles of international law applicable to “all kinds of unlawful acts.” Although not receiving final approval, the draft included a non-western conception of state responsibility in which individuals functioned as subjects and were entitled to pursue claims directly.

Building a corpus of international customary law will accelerate the recognition of violence against women as encompassing so-called traditional human rights as well as the corresponding norms of state responsibility. The First Conference of European Ministers on Physical and Sexual Violence Against Women held on 14 November 1991 concluded that “every form of physical and sexual violence is a traumatic experience for the victim, that affects several aspects of the quality of the woman’s future life, human rights as well as the woman’s dignity and integrity” and recommended concrete measures in terms of legislation, law enforcement, prevention, and social services. The draft Inter-American Convention of American States, provides that the women’s right to be free from violence includes: “a---the right to life, b—the right for physical, mental and moral integrity, c—the right to sexual non-discrimination, d—the right to privacy, e—the right to equal protection under the law, f—the right to judicial protection. This draft Convention requires a state to

include in its domestic legislation penal and civil sanctions to punish and redress the wrongs caused to women and adopt appropriate administrative measures as necessary; to take all appropriate measures, including legislative measures as

necessary; to take all appropriate measures, including legislative measures, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women with respect to the practices which constitute discrimination against women with respect to the punishment of the aggressor and the protection of the victim; provide just and effective legal remedies to women subjected to violence; ... the development of curricular and extracurricular programs ... to counteract prejudices and customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women.

Drawing from these principles of state responsibility, I contend that when human rights are infringed by private actors in the context of male violence against women, such acts are attributable to the state. To be effective, the norms of attribution that establish state responsibility must be expanded by filtering them through a contextual framework. The failure of states to consistently respect the rights of women subjected to violence in the “private” sphere is one area where such filtering would dramatically expand state responsibility for “private” harms.

States can be held responsible for systematic “private” male violence against women via two routes. First systematically failing to provide protection for women from “private” actors who deprive women of their right to life, liberty, and security, the state becomes complicit in the violation. In effect, the state creates a parallel government in which women’s rights are systematically denied. The state thus functions as an accomplice to the actual human rights violations and can be held responsible for them. Second, the state can be responsible for failing to fulfill its obligation to prevent and punish violence against women in a nondiscriminatory fashion, a failure denying women the equal protection of the law.

State Complicity

Violence against women denies women their fundamental humanity, their freedom to be, as women. This freedom need not be earned—it is an entitlement of all human beings, male and female.

Violence against women also maintain patriarchy. To focus on gender equality solely in the public realm amounts to accepting the “view that the civil realm and the individual are uncontaminated by patriarchal subordination.” Under such an impoverished conception, patriarchy constitutes merely a private familial problem, and the only state duty is to treat women and men equally in the public sphere.

International law has not escaped this impoverished view. Women’s issues are invariably characterized in terms of equality and nondiscrimination, concepts that can only partially explain gender subordination and that often trap women’s rights within legal confines that do to adequately capture the nature of such subordination.

(a) State complicity in the deprivation of life, liberty, security, and the right to be free from torture, cruel, degrading, and inhuman treatment

States are responsible for the failure to respect, whether through acts or omission, women's human rights to life, liberty, and the security of person. Women have the right to not be arbitrarily deprived of their lives. The Draft Code of State Responsibility provides that the conduct of an individual or group not acting on behalf of the state is not to be considered an act of the state. However, failure on the part of the state to carry out an international obligation, can be attributed to the state by virtue of complicity. The Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment 1987 applies to acts "inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

State complicity in "private" violations against women is not established by random incidents of non-punishment of violence against women, nor by merely equating approval of a particular crime with complicity in the crime, nor by arguing that non-punishment or a particular murderer amounts to complicity in the murder, nor by reliance on theories of derivative or remote liability or attenuated forms of responsibility. Complicity depends upon the verifiable existence of a parallel state with its own system of justice; a state that systematically deprives women of their human rights; a state that is designed, promoted, and maintained by official state acts; a state sanctioned by the official state, which "protects male power through embodying and ensuring existing male control over women at every level—cushioning, qualifying, or de jure appearing to prohibit its excesses when necessary to its normalization."

Pervasive violence against women exemplifies the official/parallel regime. It is the acts of violence and domination in the parallel state that allow the official public sphere to maintain its patriarchal underpinnings while keeping its hands relatively clean. Violence against women is a political act; its message is domination: "Stay in your place or be afraid." Women's basic human rights are violated in global and systematic ways, and the sexist narrative informing a private/public distinction kills.

A United Nations report on violence against women has clearly documented its global nature and, through the exploration of the intersection of its social, cultural, and economic components, the report indicts states for their complicity in perpetuating its invisibility and privatization. The report exposes how privatization works to the perpetrator's advantage and that the acts are "tacitly adopted by public authorities, such as doctors, social workers, the police, the legal profession and the judiciary, who join in a conspiracy of silence and in some ways almost approve of the man's behavior." As Lori Heise says, violence against women is not random violence, the "risk factor is being female."

There are several concrete ways that state action (or inaction) amounts to complicity. State failure to arrest, prosecute, and imprison perpetrators of violence against women can be interpreted as acquiescence in (or ratification of) the private actor's conduct. State failure to prevent crimes of violence against women can also be viewed as a conspiracy between the private actor and the state law enforcement agencies, thus

rendering the state complicit. This tacit agreement in the continuing violence can also be characterized as a “policy” or “custom” of the state.

(b) The failure to ensure and respect the free and full exercise of human rights as a form of complicity—Velasquez Rodriguez

The decision by the Inter-American Court of Human Rights in Velasquez Rodriguez v. Honduras can be read to establish a principle of complicity in (and therefore state responsibility for) state failure to implement its human rights obligations. The Court held that, under Article 1(1) of the American Convention, requiring the state to “ensure... the free and full exercise of ... rights and freedoms,” the Honduran government was responsible for politically motivated disappearances not overtly carried out by government officials. The court articulated a doctrine of state responsibility encompassing acts or omission by the state, deriving its normative foundations from an affirmative state duty to implement its human rights obligations. In giving life to Article 1, the courts applied a functionalist approach to human rights law, which moved away from a formalist interpretation of the convention and thus underscored the centrality of “effectiveness” as a substantive analytical component.

IV. The Anti-Essentialist Feminist Critique

A feminist critique of human rights law needs to engage in a dialogue which forces the anti-subordination thrust of feminism through the filter of cultural diversity. Such dialogue would address how the construction of the civil and political character of human rights stems from a patriarchal construction of the public and private spheres, and vice versa. Such a dialogue would be informed by the need to transcend any relativistic paralysis since in “a world of radical inequality, relativist resignation reinforces the status quo.” This premise is in tune with my desire to make the feminist critique in this article politically translatable. As Ann Marie Goetz notes, since “the field is defined by an urgent political project and not by a method or stance,” we cannot succumb to paralysis, “we cannot replace the question what must be done with who I am or with the retreating statement: I cannot claim to know and so I can do nothing.”

It is particularly important to avoid a feminist approach that glorifies feminine values without a clear structural social content that reflects how structures of power construct gender differences. Such glorification could be fatal to a critique of the public/private dichotomy, which aspires to unmask the state’s recruitment of culture in the creation of gender subordination, in the devaluation of women.

“Protocols of persuasion” would be established through such dialogues which could examine the value of “embodied objectivity” in identifying our common denominators in a multicultural international society. Embodied objectivity claims the impossibility of reaching abstract objectivity; it views objectivity as embodied, as representing “a partial knowing in which the knower consciously takes responsibility for her claims and her enabling practices” and “opens itself up to continual testing in relation to other knowing positions.” Embodied objectivity originates in notions of constructed identities, and how

such constructions by virtue of their artificial character are subject to constant revisions. It views participants in a dialogue as both “agents and participants in the production of knowledge.” “Embodied objectivity” would require that women engage in a dialogue where the intersections between patriarchy and other sites of oppression, such as class, ethnicity, and race, come to the fore; where each claim to knowledge is open to revision.

To isolate the cultural component from the working of patriarchy is akin to walking (blindfolded) along the tightrope of cultural traditions. Two of the crucial questions that demand dialogue interaction among women are how much authority is given to tradition, and how much in doing so is the challenge to the hegemony of male values surrendered. Such dialogic interaction should enable diverse women to discover how “different forms of collective and private appropriation” of women do not intrinsically exclude their constitution as “one system of appropriation,” a reality best exemplified by male violence against women.

V. Transcending the Rights Versus Goals Dichotomy: Interpreting Women’s Political and Civil Rights Within a Social and Economic Framework

A feminist critique of human rights discourse has to grapple with the current dichotomization of political/civil rights and economic/social rights, which characterizes the latter not as entitlements but as mere aspirations. In doing so, a feminist critique must underscore the social structural framework’s role in the construction of gender subordination.

The theory that social and economic rights are purely aspirational relies on both legal and non-legal arguments. On the non-legal side is the limited availability of resources, championed as a pragmatic consideration that precludes conceiving economic and social rights as rights to be guaranteed. This reality is translated onto the legal side through the absence of a “respect and ensure” clause in the Covenant on Economic and Social Rights which declares that a state party “undertakes to take steps ... to the maximum of its available resources, with view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means.”

The global imbalance between the developed and underdeveloped nations must be accounted for in any human rights discourse that purports to guarantee basic citizenship rights. Important as this imbalance is for a meaningful conception of human rights, for women the reality of social and economic underdevelopment transcends the north/south axis. Male supremacy institutes a system of subordination that becomes the organizing principle in the economic and social distribution of resources, and that compounds the subordinated position of women across the globe. Through the working of such supremacy, women lie at the bottom of the economic and social ladder, a position that attains legitimacy in the concrete ways that cultural and social attitudes characterize gender differences. This reality is buttressed by the socially constructed dependency of women on men, by their underpaid labor, by their lack of education, and by the commodification of their sexuality.

In order to minimally to comply with women's civil and political rights, in order to ensure the minimum rights of citizenship, the dichotomy that exists in the current human rights discourse needs to be transcended. Thus, in ensuring women's civil and political rights, the state must be held to an affirmative duty to ensure the eradication of those social and economic conditions that maintain and perpetuate subordination.

The Women's Convention recognizes the inextricability of subordination and the economic and social structures that generate and perpetuate it. Article 3 mandates an affirmative state obligation to "take all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."

Violence against women fits on a continuum of subordination that deeply affects women's ability to develop as citizens. Women are deprived of participation since they "cannot lend [their] labor or creative ideas fully when [they] are burdened with the physical and psychological scars of violence."

The Draft Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women acknowledge the link between subordination and economic and social structures, providing that "the right of every woman to be free from violence can only be achieved if conditions are created whereby women and men equally enjoy and exercise the human rights enunciated in the international and regional legal instruments." Recognition of the link is also present in the historical development of human rights.

The development of human rights, as seen through these examples, clearly contemplates the incorporation of the social and economic framework in, at the very least, a quasi-conditional manner. Yet in none of these approaches do we see any reference to the higher burden underdevelopment poses for women or the centrality of women to meaningful development...

Towards a Dialogic Framework

A dialogue that incorporates a feminist understanding of social arrangements and legal arguments as part of a critique of international law and the human rights field would help to undo its repressive component and enable law's transformative potential to run its course.

The patriarchal narrative that separates the economic and social framework from the political and the civil generates a story of "civility" and citizenship that neglects the socioeconomic structures in which women's subordination occurs. It informs the public and private demarcation of social spheres. It creates a coerced exile of the experiences of women in the right framework. This narrative must be the subject of a reconstructions and that creates conditions for a reasoned construction of alternatives.

Women as aliens within such a system must enter a dialogue that shies away from the one-dimensionality that currently infects the human rights discourse. Domination is “a state of being” that goes beyond material conditions of subordination; women are also stripped of the “psychic, linguistic and textual vehicles of resistance.” International society is one of enveloping silence where actors who mirror masculine world views operate unhindered by the need to provide discursive justifications of their authority and who do not disclose to the “citizens-readers” (through the mystification of legal discourse) the exclusionary nature of the master script.

*The legitimation of human rights discourse must therefore rest on the renunciation of the hegemonic communicative competence held by a few. Ideal speech situations which created the conditions for transformation require **that actors-participants enjoy more or less equal chances to participate effectively in norm constituting dialogues.** Such conditions enable women to recapture control of their lives. Law as a site of struggle becomes debureaucratized and deinsulated from the barriers of rejection of a language of silence that only a few can master; it requires renewed political speaking. Such renewed dialogue gives all participants “mobilizing” insights that depose the “structured silence” enthroned by ideological constructions perpetuated by the praxis of historical elites.*

Romany, in her analysis, gets at the crux of the issues from a *human rights of women* perspective. As she points out, it is essential that **actor-participants be given the chance to participate, and even construct**, the dialogue and debate of *women’s rights*, which after all concern **Her**. Perhaps, one of the most exacerbating thing in my quest for justice, and assistance, in the past decade, has been the extent to which victims are denigrated, and treated like *stupid-imbeciles* that need to “shut-up and do what they are told.” While I had long ago accepted my ex-husband and his family’s denigration of women, particularly women within the home and marriage, as a *fact of life* within the *machista mentality* of his family, I had not expected to find this mentality amongst the legal profession and public authorities.

Women’s Rights: Cross-Cultural Marriage

In order to effectively combat the discriminatory norms within the courts, it is first necessary to understand the cultural norms at play. My blog, *Women’s Rights: Cross-Cultural Marriage* (2006) below, high-lights that basically, semantics aside, the differences, and causes for conflict between people(s), are not so much the cultural traditions—but rather the level, or lack of, respect that people show for others in their inter-personal relationships.

Generalizations and conclusions about cross-cultural marriages are difficult because the combinations cover such a wide range of possibilities. However, if I had to identify my marriages biggest cross-cultural challenge, I would say it was due to my husband’s and my differences in definition of gender roles and women’s rights. And, unfortunately my husband is deep into the “macho” zone on the spectrum, and I am deep into the “feminist” zone, but I think that this “war of the sexes” is being waged all over the world; some in more peaceful, and some in more hostile zones than my own.

There are two other factors that complicate our situation, however. First, my husband is culturally Spanish with a bit of French, while I am culturally American, and second our marriage developed in various different countries and against different cultural backdrops. For example, the “stance” of women’s rights in the host country had a large effect on what was “correct” behavior for my husband, his Spanish “macho-ism” is decidedly more apparent when we are in Spain than other countries, or even when we are amongst Spaniards in other countries.

Both of his grandfather’s fought on the losing side of the Spanish Civil War; one an anarchist, the other a communist, and both ended up in Morocco where my husband grew up. When he was 12 they moved to France where he lived until 1990, when we first started moving around. His family is definitely what one would consider “left” on the political side in Spain and “traditional” in terms of women’s rights and roles.

On the other hand, I am from a conservative, upper-middle class, American background with many of the same basic beliefs as my husband about women’s roles, but not rights. My husband and I have the same perception of what my tasks and responsibilities are, however, he sees the wife and mother as someone who exists exclusively to serve her family, and I see her more as a guide or manager. And, the difference in my husband’s and my education are aggravated by our cultural reference of what is appropriate not only in terms of what my role is, but also in what his role is.

Women’s rights have advanced enormously in Spain since the death of Franco, however, they are still far behind northern Europe, the US and Canada. Therefore, what is culturally “normal” in Spain is not necessarily so for me, as a liberal (and perhaps terribly liberal) American. For example, I constantly hear men saying “callate tonta!” (shut-up stupid) to their wives; personally I find it offensive, but the Spanish attitude is “oh, it doesn’t mean anything, it’s just an expression.” Or worse the example of “joder, coño....” (I am trying to keep profanity out of this website, but can I swear in Spanish in an English text, and remain politically correct?)

Normally, Mediterranean, vociferous, large extended families are portrayed as ultimately loving, caring families, but after many years of living in the middle of such turmoil, I would rephrase and call them “warm and welcoming,” but not loving. Because, if you really listen to the dialogue of all the shouting, it’s a non-stop barrage of insults and provocations designed to establish the “pecking order” within. But what offends me the most, is that this vulgarity becomes an integral part of life, and children are brought up in a dialogue of total disrespect for themselves and others. Unfortunately, I fear that what I have observed in “mi familia politica,” is all too often the case in “matriarch/patriarch, power-struggle” families, whether they be Christian, Jewish, Muslim, or atheist, and this environment teaches and perpetuates egotistical “survival of the fittest” techniques and not self-fulfillment or self-actualization ones.

And, herein lies the problem as I re-read the last paragraph; for me, their shouts and insults resemble a war zone, but for them it is normality!

Unfortunately, for those of us who marry products of this environment, and find ourselves with totally egotistical husband (I assume that I am not alone,) living in the hope that we may somehow change them into loving-caring human beings; beauty and the beast type deal! Unfortunately, I fear that our efforts are in vain.

My marriage counselor's advice was "Los hombres son como piedras, no se pueden romper, pero con tiempo se pueden pulir, como las olas del mar." (Men are like stone, they are hard to be broken, but over time can be polished as with the waves of the sea) my response was "that sounds like becoming a nag, and I don't want to become a nag." (the advice was as Latino as my response was American.) Culturally, for him things "take time," especially change (and expressed in a very romantic way,) and for me the more practical side prevailed. My conclusion after all of these years is that we cannot change these men.

Or, maybe I shouldn't have chosen a macho-male, marriage counselor. "¿No?"

I guess the best advice I could give after many years in a cross-cultural marriage is the same as for any marriage; if there is not a respect for the other's cultural traditions and beliefs, and respect for one's partner as a person and as an equal, friction and havoc are bound to prevail.

As consistently demonstrated in studies and scholarly literature, more often than not, abusers are the ones who are assisted by those in the court system and community, rather than the victim. Until governments and legal communities, recognize the prevalence of problems which occur in *family courts* judicial actors will continue to, indiscriminately and with total impunity, *bully* victims. As stated above in the text by Lundy Bancroft,

... if the woman protests the professional response they explode into verbally abusing her or retaliating against her. In this way the mentality and tactics of certain professionals can closely parallel those of abusers, and the result is revictimization of the woman. In some institutions whose own power dynamics have tended to fall badly on abused women in these ways, such as police departments, courts, and child protection services... Some attorneys for abusers are in a class by themselves. I have rarely seen anyone become as vicious and unprincipled in the role of coabuser of a man's partner as certain lawyers do.

Ask any victim; the best way to assure that civil servants, lawyers, mediators... will not assist victims, if for those victims to not do as they are told. These professionals, just like abusers will become angry, and in the best case scenario, will not help you; and in the worst case scenario they viciously sabotage women's case—and these women have nowhere to turn for justice. From the onset in my case, I saw very clearly the attempts of my lawyers to cover-up for the abuse of my ex-husband, as well as their efforts to defraud me of my assets (*textbook bullying tactics*). On each occasion, I confronted the lawyer, requesting an explanation of why he, or she, had acted my case in such a manner—a manner which had clearly damaged my case in court documents, as well as financially. On each occasion I was told, "This is Spain. This is the way we do it here. And, if you don't like it too bad! Leave!" I was continually told that if I was not happy with the services of my lawyer, I could always change—which I did, on eight occasion.

However, even though my lawyers had flagrantly violated my rights, I was told that changing lawyers so often made me look “crazy.” No one questioned the completely erratic and abusive behavior of my lawyers. Amazingly, what they questioned was my efforts to defend my rights. On one occasion, when I told my lawyer that I was documenting every-single irregularity in my case, and would exhaust every legal remedy at my disposition. He responded “What do I care, lady. We do this all the time. Who are you going to tell?” And, effectively, as my case demonstrates, “regulatory” agencies will turn a blind-eye to even the most flagrant and overt acts of negligence by lawyers, judges, law-enforcement, court-officials, etc.—even contending in official documents that it is the right of lawyers to violate the rights of their clients under the principle of judicial independence.

Adding Insult to Injury: The Effective Impunity of Police Officers in Cases of Torture and Other Ill-Treatment

Unfortunately, as Amnesty International attests in its report *Adding Insult to Injury: The Effective Impunity of Police Officers in Cases of Torture and Other Ill-Treatment* (2009) abuses of power by judicial actors is common-place with authorities continually turning a blind-eye

In November 2007 Amnesty International published the report Spain: Adding insult to injury: the effective impunity of police officers in cases of torture and other ill-treatment (Index: EUR 41/006/2007), which documented a pattern throughout Spain of complaints against law enforcement officials from national, autonomous and local police forces, frequently being closed by investigating judges after minimal investigation. Since that time Amnesty International has continued to investigate cases of torture and other ill-treatment... the organization's investigations have indicated that cases of torture and other ill-treatment in Spain are not isolated incidents but examples of structural failings that affect all aspects of the prevention, investigation and punishment of such acts.

Amnesty International's report, *Adding Insult to Injury*, also includes the case of Beauty Solomon; a case which highlights how law-enforcement officials are participating in the perpetuation of violence against women, as well as the refusal of Spanish authorities to investigate criminal activity of law-enforcement. This case also highlights, however, how the policy of legal communities to help only the most extremely marginalized (ie. prostitutes, transgenders, etc.)—but refuse to assistance homemakers (faced with the type of same police harassment in their collusive efforts to have custody of a woman's children removed from her)—is discrimination against homemakers.

Women's rights organizations across the globe are defending the rights of the most severely marginalized—offering little to no assistance to mainstream women, particularly trophy-wife homemakers as they see as “rich.” These women have no income, they are not allowed access to any common property assets for legal expenses, or daily living expenses during the divorce process (approximately one year in Spain), and they are prohibited from seeking employment during that years (as they will lose custody if they are not a stay-at-home mom). It is illogical that these women would be considered “rich” by lawyers. Effectively they have assets on paper, however, if these women are not allowed to access to those asset—these women are just as penniless as any other totally marginalized member of society. The fact that the courts misappropriate women's assets leaving them without any financial resources, tell them not to work until the divorce is final (under the risk of losing custody of minor children), but still

require them to maintain large homes, as well as assume all responsibility of family expenses, without the family income to pay for those expenses. Then to make matters worse *breadwinning* husband's with six-seven-eight-figure incomes are at total liberty to utilize all of the family's financial resources in slowly torturing ex-wives, at times to death, with victims left with no place to turn for assistance or justice.

Until women's rights organizations are willing to develop *jurisprudence* that defend women's rights within the private and public sphere in a *holistic* manner, *social conservatism* will continue to advance unchallenged within *family courts*, as well as within in the larger political arena. This is how, and why, from a political perspective, the refusal of legal communities to implement progressive laws amounts to a usurpation of the legislative function by the judiciary. The case of Beauty Solomon in Amnesty International's report above was presented to the *European Court of Human Rights* (ECHR) in 2008 with the following statement posted on Women's Link Worldwide website,

Beauty Solomon submitted two criminal complaints of physical assaults by the same national police in Palma de Mallorca in July 2005. Her complaints included medical certificates issued by a public hospital recording evidence of her injuries.

Both of her complaints were dismissed without thorough investigation. The courts which dismissed her complaints based their decisions exclusively on two self-contradicting reports from the Mallorca chief of police. With the aid of Women's Link Worldwide, an international NGO, Beauty Solomon appealed against the closure of the investigations but her appeals were rejected by the court without any further examination of her allegations.

On 10 April 2007 Women's Link Worldwide presented an appeal to the Constitutional Court on behalf of Beauty Solomon on grounds of violation of her rights to due process (as well as non-discrimination, physical and moral integrity, dignity, and not to be subjected to torture or other inhuman or degrading treatment) as enshrined in international human rights law and the Spanish constitution.

UPDATE:

The Constitutional Court rejected Beauty Solomon's appeal on 21 April 2008 on the grounds that the court did not consider it to raise any constitutional issues. The court did not examine her allegations of ill-treatment. In April 2008, Women's Link Worldwide made a complaint on Beauty Solomon's behalf before the European Court of Human Rights alleging a violation of the prohibition against torture, the right to a fair trial, and the right to freedom from discrimination... (November 2009)

Madrid, July 24, 2012⁴¹ - The facts of this case date from July 2005, when Beauty Solomon, a woman of Nigerian descent, resident in Spain, was assaulted by national police officers in Palma de Mallorca. While purporting to carry out an identity check, the officers struck her with a baton and shouted discriminatory insults such as “black slut.”

Women’s Link Worldwide, after exhausting domestic remedies, brought the case to the European Court of Human Rights (ECHR) in 2008 in light of the failure by all national courts to investigate the facts of the case.

Today, the ECtHR condemned the Spanish State for violating Beauty Solomon’s right to be free from cruel, inhumane and degrading treatment in failing to comply with the obligation to effectively investigate the racist and sexist violent acts alleged.

This is the first decision by the ECtHR that recognizes the situation of extreme vulnerability of black women in Spain.

“The Court has condemned the discrimination by the police officers that assaulted and insulted Beauty Solomon as well as the failure of various Spanish courts to investigate her complaints. We are extremely happy for Beauty and are pleased that justice has been done. We hope that this decision will lead to the protection from violence and the prosecution of discrimination by the relevant authorities regardless of who the victim is” declared Viviana Waisman, Executive Director of Women’s Link.

In recognition of the suffering and humiliation that such violence and discrimination causes, the Court ordered Spain to pay Ms. Solomon 30,000 Euros in non-pecuniary damages. This is one of the largest sums awarded by the ECtHR in a case of police violence and discrimination.

It is important to highlight here, that my case involves my right to work outside the home, and my desire to start a company with common property assets. Additionally, important to note is that the business model I was creating in 2006-07 is now called a local-search directory, and is at present the most profitable, business-model on the Internet today. This business model, and digital-media platform, that I am still struggling to create (due to the fact that all my assets were misappropriated by Spanish courts in 2007), is a cross between Tripadvisor.com and Yelp.com—with Tripadvisor revenues in 2014 at \$1.25 billion usd with almost 3000 employees.⁴²

At present, Spain’s economy is in shambles, in large part to rampant corruption in the executive, legislative, and judicial branch. Unemployment in Spain is at 22.4%, and the business community is attempting to transform the country into the *hub of Europe* for Internet-based companies—with the media very vocal about *Empowering* women, and promoting their *full-participation* in the *work-force*. However, as my case demonstrates, the glamorous media

⁴¹ http://www2.womenslinkworldwide.org/wlw/new.php?modo=detalle_prensa&dc=372&lang=en

⁴² <https://en.wikipedia.org/wiki/TripAdvisor>

campaigns, depicting Spain as a modern country, open to foreign investment and women entrepreneurship is nothing but a façade and empty rhetoric. The reality for women in the Spanish work-force is that they are even more surcharged than their American or Northern European counter-part, with full-time homemakers turned into indentured-servants by the failure of courts to protect their economic rights. And, if women attempt to extract themselves from their servitude through divorce they, and their children, face a life of poverty, and at time destitution.

As the past ten years has demonstrated in my case, reinsertion into the workforce for a long-term homemaker, and particularly without a masters or doctorate (in any country), is, for all intent and purposes, impossible. Not only are long-time homemakers faced with an extremely large gap of remunerated work-experience, since these women received no pay for the social services and community work they did, employers, and the work-force, do not consider these jobs “real work.” Additionally, as one thankfully honest head-hunter told me upon my arrival in the USA in 2009, “I am going to have a hard time placing you. With your [voluntary] experience anyone interviewing you is going to be afraid you will have their job in six months.” And, effectively this has been my problem for the past seven years in my interminable search for permanent employment. Even though my work experience is impressive, and I would be a valuable asset to any organization working on domestic violence, women’s rights, global mobility, human rights, law...., but due to the fact that I am competing with 20+ year-old women entering the work-force with no experience, but resumes filled with masters and doctorates, I am essentially unemployable for any kind of professional work, with prospects of developing a meaningful career non-existent. The fact that wives are stripped of their assets in a divorce, provided with little to no financial assistance from ex-husband’s for them or their children, or for developing academic credentials.

Coaches across the Internet, are advising women on what they must do to find a job; how they must dress, what they must say, what they must not say... But, what these coaches fail to grasp is, the reality, not only of these women, but also of the work-force of today, where decades of social conservatism have taken its toll. As seen in my own case, I have been illegally terminated on two occasions, but have little effective recourse within local courts systems.

In terms of reinsertion into the work-force the most logical option for me a decade ago, as is the case at present, was to utilize my extensive experience in expatriation, marketing, and event planning, and start a new company. However, starting a new company is made much, much more difficult when one is fleeing for one’s life, and constantly struggling with illegal terminations and evictions. Under the reasonable person principle—this situation is not exactly empowering for an entrepreneur trying to start a company, and clearly *de facto* discrimination as men, the founder of Yelp for example, did not have to flee for his life because he wanted to start a company and work outside the home. In fact, it is only under the most repressive, totalitarian regimes where men (and then only minorities) are persecuted, with attempted incarceration in psychiatric facilities and/or penal facilities, and attempts upon their life in their efforts to start a company. The Machiavellian tactics of my ex-husband, my lawyers, law-enforcement officials, and judges in my case are reminiscent of the Franco dictatorship. In fact, one of my ex-husband

co-conspirators is his cousin, who is a member of the Guardia Civil—Franco’s version of the German Gestapo.

The failure to take the harassment and bullying that women, particularly those who have been defrauded of all of their assets and worldly-goods by the ex-husband’s in collusion with the courts, is resulting in an increasing number of incarceration of victims. On such case is that of Maria Jose Carrascosa, a Spanish national, in New Jersey, USA⁴³. Ms. Carrascosa, instead of being assisted and protected by the American judicial system, was illegally incarcerated for eight years, during which time her ex-husband (with the assistance of his new wife, a police officer of the courts where Ms. Carrascosa was held) stole her identity and defrauded the woman of all her assets—leaving her homeless, destitute, and on *illegal probation*, therefore *still and indefinitely illegal incarcerated* in the state of New Jersey⁴⁴. Ms. Carrascos is a lawyer, so all illegal activity has been meticulously documented—a smoking gun case—but none of the lawyers in the USA will assist Ms. Carrascosa in obtaining “exoneration” for her illegal detention, nor in recuperation of her assets.

Lawyers are in line to defend the rights of Guantanamo detainees (men) who have been illegally detained and tortured, but no one will defend the rights of women (victims of domestic abuse) who are illegally detained and tortured.

In addition to how abusive husbands and lawyers are using court systems to harass and incarcerate victims, my case highlights the difficulties *elderly homemakers* are having in re-insertion into the work-force upon a divorce—and why it is important for not only these women to maintain their skills, training, and networks while away from the work-place, but also why it is important to develop alternative work-places that can monetize the skills of these women, while allowing them to remain in the home as primary-caregivers. **This is, and has been my objective with Global Expats** (See Business Plan). Along with globalization comes more and more families relocating to a new country or city. Expatriated families spend an enormous amount of money on a wide variety of consumer products—and the idea behind Global Expats is to monetize that aggregate spending into a revenue source, which can then remunerate this labor-market in its efforts to assist other expatriated women and their families.

⁴³ <https://www.facebook.com/profile.php?id=100010461701488>

⁴⁴ Ms. Carrascosa was illegally detained for eight years. Even though the illegal activity of the courts is thoroughly documented by Ms. Carrascosa the Spanish consulate, in negligence of its duties, has refused to protest to the illegal detention and incarceration of one of its citizens. And, while Ms. Carrascosa was eventually released “because they could not hold someone “indefinitely” on (illegal) contempt of court charges.” Before any lawyer will sue the State of New Jersey, Ms. Carrascosa must obtain her “exoneration” from the New Jersey courts. Of course the New Jersey courts are refusing to comply with the law and “exonerate” Ms. Carrascosa—surely in order to avoid the enormous law-suit that the courts created. Ms. Carrascosa is in ill-health (due to the poisoning she suffered at the hands of her ex-husband in his attempts to murder her), and is having difficulty in just surviving at present. Additionally, Ms. Carrascosa’s life is constantly in danger, as under her parole she cannot leave NJ, where her ex-husband resides, and Ms. Carrascosa reports she is receiving death threats from him and his conspirators.

The Old Paradigm and World Order

Just as Lin views industrial development on a continuum, the same can be said about present globalization, which contrary to popular belief has been an on-going process for thousands of years. As Michael Cook points out in *A Brief History of the Human Race*, “Man is the only animal that possessed enough cultural agility and enough aggressiveness to have been able to successfully migrate to every continent (except Antarctica) of the earth. Therefore, it may be assumed that humans possess an inherent sense of aggression and competition, and that while this trait appears to have been necessary in the development of civilizations it also appears to be the one trait that may produce our extinction.” If one examines the global challenges that face the world, and in the context of humankind’s development in the past four thousand years (in conjunction with its period of heightened aggressiveness and violence), the necessity for societies, and political rhetoric, to progress from the *laissez-faire* politics of the past, to more nurturing and caring forms of governments and societies is evident.

Once again, this is the new paradigm needed—one which combats social conservatism while promoting a more egalitarian structure. In Eduardo Galeano words; “There are those who believe destiny rests at the feet of the gods, but the truth is that it confronts the conscious of man with a burning challenge.” The dangers that the present political situation in the USA (and world) is creating cannot, and must not be minimized or trivialized. If we look back in history to a time where not only was the world facing a very, very similar situation, but that even the principle actors from the outset realized the dire necessity that this situation—one which was repeating and repeating itself in history, putting mankind and the planet more and more in danger with each episode and escalation—NEVER be allowed to reproduce.

Sadly, sadly, the world has once again come full-circle, having been “bought-off” with the partying and great-cheer (and cocaine parties) of the ‘80s and ‘90s—with relics of the time desperately trying to hang on to *the good ‘ol times* through their networks in *Wall Street* and *Silicon Valley* (the new “Wall Street”), on *Capitol Hill*, and in the *White House*. Unfortunately, the ‘70s game-show style, *wheeling’s-and-dealings* of *modern financiers*, is only exacerbating the global economic crisis with their antics, and continually partying. Due to the inability of the world to “learn lessons from the past” at present we are facing a very similar situation to the one the world faced less than a century ago in Europe and the Far East—and one that had been repeated several decades before, at the turn of the last century.

A Hush Over Europe, Winston Churchill - August 8, 1939

Winston Churchill, in his one final effort to arouse support from the Americans four weeks before outbreak of war in Europe broadcasted from London to the USA a call for assistance from his “friends” on the other side of the Atlantic. Desolately, humanity finds itself once again at the same cross-road, faced with the same moral dilemmas and desperation of those who see through the fog and smoke-screens, produced by decades of unchecked, extremism and right-wing rhetoric and political bantering of the media and political elite.

A Hush Over Europe, Winston Churchill - August 8, 1939

Holiday time, ladies and gentlemen! Holiday time, my friends across the Atlantic!
Holiday time, when the summer calls the toilers of all countries for an all too brief spell

from the offices and mills and stiff routine of daily life and breadwinning, and sends them to seek if not rest at least change in new surroundings, to return refreshed and keep the myriad wheels of civilized society on the move.

Let me look back-let me see. How did we spend our summer holidays twenty-five years ago? Why, those were the very days when the German advance guards were breaking into Belgium and trampling down its people on their march towards Paris! Those were the days when Prussian militarism was -to quote its own phrase-"hacking its way through the small, weak, neighbor country" whose neutrality and independence they had sworn not merely to respect but to defend.

But perhaps we are wrong. Perhaps our memory deceives us. Dr. Goebbels and his Propaganda Machine have their own version of what happened twenty-five years ago. To hear them talk, you would suppose that it was Belgium that invaded Germany! There they were, these peaceful Prussians, gathering in their harvests, when this wicked

Belgium - set on by England and the Jews - fell upon them; and would no doubt have taken Berlin, if Corporal Adolf Hitler had not come to the rescue and turned the tables. Indeed, the tale goes further. After four years of war by land and sea, when Germany was about to win an overwhelming victory, the Jews got at them again, this time from the rear. Armed with President Wilson's Fourteen Points they stabbed, we are told, the German armies in the back, and induced them to ask for an armistice, and even persuaded them, in an unguarded moment, to sign a paper saying that it was they and not the Belgians who had been the ones to begin the War. Such is history as it is taught in topsy-turvydom. And now it is holiday again, and where are we now? Or, as you sometimes ask in the United States - where do we go from here?

There is a hush over all Europe, nay, over all the world, broken only by the dull thud of Japanese bombs falling on Chinese cities, on Chinese Universities or near British and American ships. But then, China is a long way off, so why worry? The Chinese are fighting for what the founders of the American Constitution in their stately language called: "Life, liberty and the pursuit of happiness." And they seem to be fighting very well. Many good judges think they are going to win. Anyhow, let's wish them luck! Let's give them a wave of encouragement - as your President did last week, when he gave notice about ending the commercial treaty. After all, the suffering Chinese are fighting our battle, the battle of democracy. They are defending the soil, the good earth, that has been theirs since the dawn of time against cruel and unprovoked aggression. Give them a cheer across the ocean - no one knows whose turn it may be next. If this habit of military dictatorships' breaking into other people's lands with bomb and shell and bullet, stealing the property and killing the proprietors, spreads too widely, we may none of us be able to think of summer holidays for quite a while.

But to come back to the hush I said was hanging over Europe. What kind of a hush is it? Alas! it is the hush of suspense, and in many lands it is the hush of fear. Listen! No, listen carefully; I think I hear something-yes, there it was quite clear. Don't you hear it? It is the tramp of armies crunching the gravel of the parade- grounds, splashing through rain-

soaked fields, the tramp of two million German soldiers and more than a million Italians-"going on maneuvers"-yes, only on maneuvers! Of course it's only maneuvers just like last year. After all, the Dictators must train their soldiers. They could scarcely do less in common prudence, when the Danes, the Dutch, the Swiss, the Albanians and of course the Jews may leap out upon them at any moment and rob them of their living-space, and make them sign another paper to say who began it. Besides, these German and Italian armies may have another work of Liberation to perform. It was only last year they liberated Austria from the horrors of self-government. It was only in March they freed the

Czechoslovak Republic from the misery of independent existence. It is only two years ago that Signor Mussolini gave the ancient kingdom of Abyssinia its Magna Charta. It is only two months ago that little Albania got its writ of Habeas Corpus, and Mussolini sent in his Bill of Rights for King Zog to pay. Why, even at this moment, the mountaineers of the Tyrol, a German-speaking population who have dwelt in their beautiful valleys for a thousand years, are being liberated, that is to say, uprooted, from the land they love, from the soil which Andreas Hofer died to defend. No wonder the armies are tramping on when there is so much liberation to be done, and no wonder there is a hush among all the neighbors of Germany and Italy while they are wondering which one is going to be "liberated" next.

The Nazis say that they are being encircled. They have encircled themselves with a ring of neighbors who have to keep on guessing who will be struck down next. This kind of guesswork is a very tiring game. Countries, especially small countries, have long ceased to find it amusing. Can you wonder that the neighbors of Germany, both great and small, have begun to think of stopping the game, by simply saying to the Nazis on the principle of the Covenant of the League of Nations: "He who attacks any. Attacks all. He who attacks the weakest will find he has attacked the strongest"? That is how we are spending our holiday over here, in poor weather, in a lot of clouds. We hope it is better with you.

One thing has struck me as very strange, and that is the resurgence of the one-man power after all these centuries of experience and progress. It is curious how the English-speaking peoples have always had this horror of one-man power. They are quite ready to follow a leader for a time, as long as he is serviceable to them; but the idea of handing themselves over, lock, stock and barrel, body and soul, to one man, and worshipping him as if he were an idol? That has always been odious to the whole theme and nature of our civilization. The architects of the American Constitution were as careful as those who shaped the British Constitution to guard against the whole life and fortunes, and all the laws and freedom of the nation, being placed in the hands of a tyrant. Checks and counter-checks in the body politic, large devolutions of State government, instruments and processes of free debate, frequent recurrence to first principles, the right of opposition to the most powerful governments, and above all ceaseless vigilance, have preserved, and will preserve, the broad characteristics of British and American institutions. But in Germany, on a mountain peak, there sits one man who in a single day can release the world from the fear which now oppresses it; or in a single day can plunge all that we have and are into a volcano of smoke and flame.

If Herr Hitler does not make war, there will be no war. No one else is going to make war. Britain and France are determined to shed no blood except in self-defense or in defense of their Allies. No one has ever dreamed of attacking Germany. If Germany desires to be reassured against attack by her neighbors, she has only to say the word and we will give her the fullest guarantees in accordance with the principles of the Covenant of the League. We have said repeatedly we ask nothing for ourselves in the way of security that we are not willing freely to share with the German people.

Therefore, if war should come there can be no doubt upon whose head the blood-guiltiness will fall. Thus lies the great issue at this moment, and none can tell how it will be settled.

It is not, believe me, my American friends, from any ignoble shrinking from pain and death that the British and French peoples pray for peace. It is not because we have any doubts how a struggle between Nazi Germany and the civilized world would ultimately end that we pray tonight and every night for peace. But whether it be peace or war, peace with its broadening and brightening prosperity, now within our reach, or war with its measureless carnage and destruction—we must strive to frame some system of human relations in the future which will bring to an end this prolonged hideous uncertainty, which will let the working and creative forces of the world get on with their job, and which will no longer leave the whole life of mankind dependent upon the virtues, the caprice, or the wickedness of a single man.

The extensive human rights violations of the past few decades from the global, self-appointed “defenders of democracy” (USA and Europe), parallels and mimics the economic and political situation at present. The names of the actors involved have changed (somewhat), and we face global ecological problems which risk to destroy the planet, on top of our previous capacity to annihilate the human-race with extensive *arsenals of weapons*. However, the fundamentals of the situation are the same—as are the social networks and other forces which produced the *Perfect Storm* of the 21st century.

Other People's Money by John Kay

John Kay, in *Other People's Money* explains the underlying socio-political forces of a situation created by decades rampant greed and corruption in the financial markets supported and encouraged by the rising *social conservatism* in the world—creating and perpetuating chaos and instability in economies across the globe. Once again the world has come full-circle in its perpetual *War on Good vs. Evil* with centuries of rhetoric to justify its blood-thirsty wars⁴⁵ and

⁴⁵ In his theological works, Augustine expounded on the concept of original sin (the guilt of Adam which all human beings inherit) in his works against the Pelagian heretics, providing an important influence on St. Thomas Aquinas. He helped formulate the theory of the just war, and advocated the use of force against the Donatist heretics. He developed doctrines of predestination (the divine foreordaining of all that will ever happen) and efficacious grace (the idea that God's salvation is granted to a fixed number of those whom He has already determined to save),

once again global political climate is one dominated by right-wing extremism – an extremism which resurged in the past four decades as a *backlash* to post-World War II humanitarianism—as the proverbial pendulum swung from *left-to-right*.

*In Europe, in 2008 and 2009, Chancellor Merkel and President Sarkozy excoriated the excesses of the free market as they rushed to the support of their over-indebted large banks. The left offered no diagnosis, no new ideas and gained no electoral advantage. The parties which had waited a century for capitalism to collapse under its own contradictions **contratulated themselves that such collapse had been averted by the injection of simply incredible amounts—trillions of dollars—of taxpayer funds into the banking system.** The specific events of 2007-8 were unanticipated. But the underlying problems that led to that crisis had been evident for some time. Their origins lie in the financial innovation that followed the development of derivative markets in the 1970s, in the deregulation of the financial services industry—and particularly the removal of restrictions on the creation of financial conglomerates—and in the rapid growth of the financial sector that followed these changes.*

In both Britain and the United States, the principal functions of the financial service industry had traditionally been performed by specialist institutions: banks provided payment services, deposit taking, and corporate lending; investment banks undertook securities issuance; insurance companies promoted risk cover and managed long-term savings; and securities trading was handled by brokers and jobbers or specialists. Wide ranging structural reform of the financial system, which strongly reinforced this separation, had followed the Wall Street crash of 1929 and the banking failures that followed. The period from then until the 1970s was one of historically exceptional stability in the financial system.

Financial institutions in continental Europe had always been diversified, but Europe's universal banks had been conservatively structured and managed. Indeed that inward looking culture is part of the reason why Paris and Frankfurt never became global financial centres. In light of developments in New York and London, many European banks reinvented themselves on Anglo-American lines and established substantial presence in the Anglo American cities.

These new financial conglomerates posed acute management issues from inception. In “Big Bang”—the structural deregulation of the City in 1986—retail banks acquired broking and trading operations. These purchases were unsuccessful. Retail bankers had been groomed in larger bureaucracies, whose performance depended principally on the accurate routine processing of millions of daily transactions, and they could not handle the more entrepreneurial cultures had acquired. In time, however, the traders and corporate advisors,

which later found eloquent expression in the works of Reformation theologians such as Martin Luther (1483 - 1546) and John Calvin (1509 - 1564), as well as Cornelius Jansen (1585 - 1638) during the Counter-Reformation.
http://www.philosophybasics.com/philosophers_augustine.html

who were smarter and greedier, took control of the much-enlarged businesses. Although the principle activities, and the vast majority of the employees, of the large conglomerate banks are still in traditional retail banking, the most senior positions are mostly taken by individuals whose background has been in investing banking.

These organizational changes put a transaction-oriented trading culture at the centre of the global financial system. There were early indications of the possible instability that might result: the first emerging market debt crisis in the early 1980s; the stock market crash of 1987; and the Japanese asset price bubble which peaked at the end of that decade. Demonstrations of fragility grew in scale and consequence. A second emerging market debt crisis occurred in 1997-8 and the new economy bubble followed soon after.

The immediate cause of the events of 2007-8 was the collapse of a pyramid of complex securitization based on the packaging and repackaging of loans, especially mortgages...

[But] the recurrent crises of modern finance are not associated with any particular set of financial instruments but are endemic features of modern financial markets and the structure of the financial services industry.

The proximate causes of these various booms and busts have been very different, but a basic mechanism is common to all. Asset prices are bid up in some market or other. The underlying cause is often some genuine economic, political or technological trend such as the commercialization of the internet, growth in East Asia or Latin America, or the creation of a common European currency. Consultants and journalists, gurus and financiers, have a common interest in exaggerating the significance and extent of these developments.

The resulting herd behavior in and around financial markets creates cumulative mispricing, and immediate profits. Overvaluations feed on themselves. A substantial proportion of the apparent gains is paid to individuals associated with the process, and to their bosses. The mispricing is eventually corrected. The resulting market dislocation imposes collateral losses on investors and institutions. Governments intervene to mitigate these losses, pumping large amounts of money into general support of asset prices. These actions provide fuel for a new crisis in another asset class.

The assertion that financial innovation led to risk mitigation was simply absurd. Asked whether the world he or she experienced had become more or less risky over the last two decades as a result of such financial innovation, the person in the street would think you were joking. The main impact of financial innovation on everyday risk has been the transfer of much of the risk associated with pension provision from the corporate sector to the individual. The risks which innovation supposedly enabled financial institutions to manage more effectively were, overwhelmingly, risks generated within the financial system itself: and in the end even the claim that it enabled the financial crisis in eighty years—or perhaps longer.

Many diversified financial conglomerates were simply unmanageable. The organizations resembled collections of unruly barons who would depose any king who imposed restrictions

on the aggrandizement of their wealth and power. The risk exposures concealed in increasingly convoluted corporate structures and bewilderingly complex instruments were generally beyond the comprehension of their senior management.

Phishing for Phools: The Economics of Manipulation and Deception by George A. Akerlof and Robert J. Shiller

However, what is all too often missed in the analysis of the economic crisis – which focuses almost exclusively on the macroeconomics involved – is the role the consumer plays in the entire matrix. Economists George A. Akerlof and Robert J. Shiller have returned to Adam Smith and the origins of modern-day economics and economic theory, placing the “invisible hand” under the microscope, and challenged the popular notion that markets are driven by informed consumers whose aggregate behaviors create efficiency and equilibrium in the economy. Unfortunately, as the present economic crisis is demonstrating, not only consumers, but financiers, policy-makers, politicians.... suffer from the same neurosis, dysfunctional behavior, and “herd” mentality as the average consumer. Akerlof and Shiller explain the dysfunctionality of, and in, the markets which is in turn are the motor behind the economic bubbles and ensuing crises that have plagued societies across the globe for decades – getting bigger and stronger each time – in *Phishing for Phools: The Economics of Manipulation and Deception*,

The word phish, according to the Oxford English Dictionary, was coined in 1996 as the Web was getting established. That dictionary defines phish as "To perpetrate a fraud on the Internet in order to glean personal information from individuals, esp. by impersonating a reputable company; to engage in online fraud by deceptively 'angling' for personal information."...

By our definition, a phool is someone who, for whatever reason, is successfully phished. There are two kinds of phool: psychological and informational. Psychological phools, in turn, come in two types. In one case, the emotions of a psychological phool override the dictates of his common sense. In the other case, cognitive biases, which are like optical illusions, lead him to misinterpret reality, and he acts on the basis of that decisions that NO ONE COULD POSSIBLY WANT. Henry David Thoreau remarked that "the mass of men lead lives of quiet desperation." Remarkably, a century and a half later, in the United States, almost the richest country the world has ever known, too many lives are still led in quiet desperation...

NO-ONE-COULD-POSSIBLY-WANTS

Four broad areas indicate how widespread are the NO-ONE-COULD-POSSIBLY-WANTS, regarding personal financial security; the stability of the macroeconomy (the economy as a whole); our health; and the quality of government. In each of these our areas we shall see the phishing for phools has significant impact on our lives.

Personal Financial Insecurity. A fundamental fact of economic life has never made it into the economics textbooks. Most adults, even in rich countries, go to bed at night worried about how to pay the bills. Economists think that it is easy for people to spend according to a budget. But they forget that even if we are careful 99 percent of the time, the remaining 1 percent, when we act as if "money does not matter," can undo all that prior rectitude. And

businesses are keenly aware of those 1-percent moments. when we act as if "money does not matter," can undo all that prior rectitude. And businesses are keenly aware of those 1-percent moments. They target the events in our lives when love (or other motivations) trumps our budgetary caution...It is thus no coincidence that, as rich as we are in the United States, for example, relative to all previous history, most adults still go to bed worried about their bills. Producers have been just as inventive in getting us to feel we need what is produced as they have been in filling the needs that we really have. No one wants to go to bed at night worried about the bills. Yet most people do.

One source of our angst about those bills comes from rip-offs; as consumers we are especially prone to pay too much when we step outside of our comfort zone to make the rare, expensive purchase. In some 30 percent of home sales to new buyers, total--buyer plus seller--transaction costs, remarkably, are more than half of the down payment that the buyer puts into the deal. Auto salesmen, as we shall see, have developed their own elaborate techniques to sell us more car than we really want; and also to get us to pay too much. Nobody wants to be ripped off. Yet we are, even in the most carefully considered purchases of our lives.

Financial and Macroeconomic Instability. Phishing for phools in financial markets is the leading cause of the financial crises that lead to the deepest recessions. Regarding financial crises, the now famous phrase "This time is different" is simultaneously both true and false. In the boom that precedes the crash, phishers convince buyers of the assets they have to sell that "this time is different." It is, for example: Swedish matches in the 1920s (Ivar Kreuger and Toll); the dot-coms in the 1990s; subprime mortgages in the 2000s (Angelo Mozilo of Countrywide). Yes, every time it is different: the stories are different. But, also, every time it is the same. There are the phishermen; there are the phools. And when the built-up stock of undiscovered phishes (called "the bezzle" by economist John Kenneth Galbraith) gets discovered, asset prices crash. The investment managers who purchased the packages with the bad mortgages in the buildup to the 2008 crash could not possibly have wanted them. And then, painfully, when the phish was revealed, terrible side effects occurred: confidence was lost throughout the economy could not find them. Long-term unemployment reached levels not seen since the Great Depression.

Ill Health. Even regarding health, which is probably the strongest need for those of us who are already well fed, well clothed, and adequately housed, the purveyors of medicines phish us for phools. Back in the 1880s, when Daniel Pinkham, off in New York, noticed that women there were greatly worried about kidney problems, he wrote home that they should be added to the list of ailments for which the family's Pinkham Pills would be a remedy. Advice taken. Today the Pharmaceuticals can no longer just add a disease to a list. In the United States, they must run two gauntlets. They must obtain the approval of the Food and Drug Administration, which requires randomized controlled testing: they must convince the doctors to prescribe their pills. But they also have more than a century of learning how to get past these barriers. Some drugs that successfully run both gauntlets are no more than marginally beneficial. Worse, few are genuinely harmful, such as Vioxx (an anti-inflammatory like Aleve) and hormone replacement therapy. In its five-year career, from 1999 to 2004, Vioxx is estimated to have caused 26,000 to 56,000 cardiovascular deaths in the

United States; failure to notify women of suspicions about hormone replacement therapy, by doctors and Pharma, is estimated to have caused some 94,000 cases of breast cancer. No one wants bad medicine.

The effects on health go far beyond bad medicine. Consider phood and its consequences. About 69 percent of American adults are overweight; and more than half of them (36 percent of Americans) are, furthermore, obese.... Big Phood commissions scientific laboratories to calculate consumers' "bliss points" that maximize their craving for sugar, salt, and fat. Yet no one wants to be obese.

Tobacco and alcohol are other health-related phishes. But there is a remarkable difference between the two. No one now thinks that it is smart to smoke...

There is another legal drug, besides tobacco, that is quite possibly yet more deleterious; but it provokes far less censure...

Bad Government. Just as free markets work at least tolerably well under ideal conditions, so does democracy. But voters are busy with their own lives; it is thus all but impossible for them to know when a politician deviates from their true wishes regarding much legislation. And also just because we are human, we are prone to vote for the person who makes us the most comfortable. As a result, politics is vulnerable to the simplest phish, whereby politicians silently gather money from the Interests, and use that money to show that they are "just one of the folks." Our later chapter "Phishing in Politics" will describe a 2004 election campaign of Charles Grassley of Iowa, who at the time was the chair of the Senate Finance Committee, and who had gathered a multimillion-dollar war chest and showered the state with TV ads, in which he is just "one of us," on his tractor lawnmower. There was nothing terribly unusual about the role of money in this campaign. On the contrary, we have chosen it because it is so typical. But (almost) no one wants a democracy where elections are bought in this way.

The Aim of Phishing for Phools

According to the modern version (of Adam Smith's invisible hand), commonly taught even in introductory economics, a competitive free-market equilibrium is "Pareto optimal." That means that once such an economy is in equilibrium, it is impossible to improve the economic welfare of everyone. Any interference will make someone worse off. For graduate students, this conclusion is presented as a mathematical theorem of some elegance--elevating the notion of free-market optimality into a high scientific achievement.

The theory, of course, recognizes some factors that might blemish such an equilibrium of free markets. These factors include economic activities of one person that directly affect another (called "externalities"); they also include bad distributions of income. Thus it is common for economists to believe that, those two blemishes aside, only a fool would interfere with the workings of free markets. And, of course, economists have also long recognized that firms that are large in size may keep markets from being wholly competitive.

But that conclusion ignores the considerations that are central to this book. When there are completely free markets, there is not only freedom to choose; there is also freedom to phish.

*It will still be true, following Adam Smith, that the equilibrium will be optimal. **But it will be an equilibrium that is optimal, not in terms of what we really want; but an equilibrium that is optimal, instead, in terms of our monkey-on-our-shoulder tastes. And that, for ourselves, as for the monkeys, will lead to manifold problems.***

Standard economics has ignored this difference because most economists have thought that, for the most part, people do know what they want. That means that there is nothing much to be gained from examining the difference between what we really want and what those monkeys on our shoulders are, instead, telling us. But that ignores the field of psychology, which is, largely about the effects of those monkeys.

As exceptions, behavioral economists, especially for the past forty years, have been studying the relationship between psychology and economics. That means that they have brought the consequences of the monkeys to center stage. But, curiously, to the best of our knowledge, they have never interpreted their results in the context of Adam Smith's fundamental idea regarding the invisible hand. Perhaps it was just too obvious. Only a child, or an idiot, would make an observation like that and expect anyone to notice. But we will see that this observation, simple as it may be, has real consequences. Especially so, because, as Adam Smith might say, as if by an invisible hand, others out of their own self-interest will satisfy those monkey-on-the-shoulder tastes.

... Not all of psychology concerns the reasons why people make "dysfunctional" decisions. Some of it describes the working of the healthy human mind. But a great deal of the subject concerns decisions that give people what they thinking they want rather than what they really want.

...A great deal of phishing comes from another source: from supplying us with misleading, or erroneous, information... The finance optimists think that complicated financial transactions are about benignly dividing up risk and expected returns in the best possible way among people with different tastes for them, just as children used to trade marbles or baseball cards. People are smart, especially in finance, the mantra goes; the best way to police financial markets is to let them police themselves. As a notable example of the application of this mantra to public policy, the Commodity Futures Modernization Act of 2000 enabled extraordinarily complicated financial products to trade with only minimal supervision. The markets, it was said, would police themselves.

But, as time has shown, the markets do not, and cannot, police themselves under a paradigm where greed and corruption is *le plat du jour* amongst the political and economic elite—with the intellectual and journalist elite turning a *blind-eye*, if not becoming complicit to the situation.

For this reason, it is important that government's and policy-makers address the underlying human factors at play – as well as the structural governance issues – in order for development goals to have any chance of succeeding. As stated in “From Billions to Trillions: Transforming Development Finance Post-2015 Financing for Development: Multilateral Development Finance” **what is required, first and foremost in achieving the development goals, is a**

paradigm shift. But, the paradigm shift that all these experts are calling for, is a shift not just in the financial markets, but in just about every industries and society on the planet.

What is needed, and called for, is not just a “shift,” but a “flip.” A “flip” in the way we do business. A “flip” in the way we conduct our personal and intimate relationships. A “flip” in the way we educate and raise our children. And, a total and complete “flip” in our traditional value systems, which contrary to popular religious and political rhetoric, promote greed, corruption, and immorality – indoctrinating it into our young through violence, aggression, manipulations, hate, stereotyping, and biases.

Without a true, and verifiable, commitment from governments, and leaders around the world, to the implementation of their promises, with concrete reforms in accountability and transparency, the paradigm shift that everyone recognizes is necessary for the success of FfD and the Millennium goals will simply not happen. First, and foremost, what is needed is a *re-definition* of what constitutes *due diligence* by policy-makers, bureaucrats, and civil servants of every nationality and country in the world.

While the lack of appropriate training and preparation of these ‘public authorities’ is a serious issue in assuring accountability and transparency, of almost greater concern is the lack of common sense, *emotional intelligence*, and basic knowledge of “how the world work” of the majority of civil servants that deal with the public (their constituencies) is ASTOUNDING. In all of my dealings in the past eight years with Spanish, American, and French civil servants it has been clear that they are **totally unfamiliar with the Law**, and **have no idea what the word Rights means and even less how to protect and defend them.** The most incredible in all of my experience was with Senator Barbara Mikulski’s office^v who advised me to contact the district attorney of Maryland (for a domestic violence/divorce case in Spain, and under Spanish jurisdiction?). This completely illogical response from the Senator’s office demonstrated a total lack of cognition as to the basic functioning of legal systems, and issues of jurisdictions, sovereignty, etc. These are issues that anyone with a university education should know, and understand, but none of the civil servants with whom I spoke over the years had even a minimum of understanding of legal systems. Nor did they seem to understand their obligation to serve and assist citizens.

Upon my first illegal eviction, I called the local housing authorities for assistance, and to take action against the landlord, **as is my civic duty**. I was told that they could not help me because “they did not *know* me.” While I responded that I could send them a scanned copy of my ID and passport, I bit my retort on “Do you require a letter of introduction from the King to serve me, or what!?” The arrogance, lack of service, apathy to the plight of citizens, and the frustration of these citizens (many marginalized), to any kind of action or justice within *socially conservative* constructed government systems is one of the major causes of the outbreaks of violence.

While I cannot, and do not, condone any kind of physical violence, in any way, shape, or form, I do empathize with those that “snap” under the continual, unchecked bullying and disharmony that is prevalent in almost every walk of life in countries and societies around the world. While, yes, extremists everywhere must stop with the indiscriminate killings of innocent men, women and children. The only thing this serves is to provide fuel for the fire for the escalation in hatred

and violence in the world—as is the object of the extremists. However, governments, and people, must start recognizing that these are not isolated incidents of madmen, with no real grievances behind their violence. My activist website, www.warondomesticterrorism.com, is dedicated to raising awareness about the issues and their relation with domestic violence and the human rights violations within family courts.

Another issue which has been produced by decades of slothful governance, is that civil servants are simply under no obligation to implement the law. As one civil servant put it “I just ignore them (the constituents) until they go away.” Also, bureaucratic agencies are notorious for maintaining rigid-hierarchies where change is discouraged, if not actively resisted by all levels of management.

Antiquated hiring practices and management styles, as well as nepotism in hiring and promotions, is one of the main issues in the inability of government agencies to implement management policies, and combat social conservatism. As already seen, the US Department of States’ refusal to assist American victims of domestic violence residing abroad obligates State Department employees to break federal law (by not protecting victims, as well as in their discrimination against women).

It appears counter-intuitive that without *public authorities* who have a high level of competence, morality and integrity, have a complete understanding of the legal systems and its functioning, as well as their role in serving people as civil servants, governments will never be able to implement the *paradigm shift* called for in FfD—and even less the *paradigm flip* which is necessary and vital to the success of FfD.

The New Paradigm: Riane Eisler and a Beta Model

In looking for workable model for the paradigm shift, John Kay provides some insight into the necessity for an intersectional approach in *Others People’s Money*,

*Economics is not a technique in search of problems but a set of problems in need of solution. Such problems are varied and the solutions will inevitably be eclectic. Such pragmatic thinking requires not just deductive logic but **an understanding of the processes of belief formation, of anthropology, psychology and organisational behaviour, and meticulous observation of what people, businesses and governments do.***

The Economics of the Household by Riane Eisler, PhD

It is in the work of Riane Eisler, PhD (sociologist, lawyer, professor and President of the Center for Partnership Studies,⁴⁶) that we find all of these domains united, providing the world with an intersectional examination of the situation and a blue-print for this new *paradigm* so desperately need, in her article *The Economics of the Household*,

⁴⁶ https://en.wikipedia.org/wiki/Riane_Eisler

The Economics of the Household

The economics of the household are still generally ignored in conventional analyses. The household is viewed as a unit of either production or consumption, rather than as a microcosm of the larger economic and political system. As a result, most analyses don't take into account intra-household resource allocation. ~ Riane Eisler,

The Real Wealth of Nations: Creating a Caring Economics

In many households women are actually the sole providers... The common assumption is that the male head of household is the prime provider. This assumption, however, ignores the reality documented by scientific studies. The reality is that in many of the poorest world regions women, not men, are the primary providers for the nutrition, health, and other vital aspects of life of their families...

Over the last decades, there have also been many studies of how economic resources are used in two-parent households. These studies shed further light on how dominator assumptions and policies impede both human and economic development.

As Judith Bruce and Daisy Dwyer write in their book "A Home Divided," it is quite common that cultural tradition supports the notion that men have a right to personal spending money, which they are perceived to need or deserve, and that women's income is for collective purposes. Consequently, as Cynthia B. Lloyd and Bruce report, "there is considerable empirical evidence across diverse cultures and income groups that women have a higher propensity than men to spend on goods that benefit children and enhance their capacities."

Duncan Thomas found that "in Brazil, \$1 in the hands of a Brazilian woman has the same effect on child survival as \$18 in the hands of a man."

How much higher this propensity can be is shown by Duncan Thomas in his report "Intra-Household Resource Allocation." He found that "in Brazil, \$1 in the hands of a Brazilian woman has the same effect on child survival as \$18 in the hands of a man." Similarly, Bruce and Lloyd found that in Guatemala "an additional \$11.40 per month in a mother's hands would achieve the same weight gain in a young child as an additional \$166 if earned by the father.

Of course, there are men who give primary importance to meeting their families' needs even in rigidly male-dominated cultures. Typically, however, men in these societies are socialized to believe it's their prerogative to use their wages for non-family purposes, including drinking, smoking, and gambling, and that when women complain, they are nagging and controlling. As Dr. Anugerah Pekerti, Chair of World Vision, Indonesia, notes, many fathers seem to have no problem putting their own immediate desires above the survival needs of their children.

Yet traditional economic theories, whether capitalist or socialist, are based on the assumption that the male head of household will expend the resources he controls for the benefit of all family members. This has been the assumption in conventional analyses,

which treat the household as a unit, and is one of the assumptions behind the fact that the bulk of aid to people in the developing world has been given to men.

Development aid programs still allocate enormous funds to large-scale projects in which women have little or no say – and from which poor women and children derive few if any benefits. Even the recent micro-lending or “village loan” programs that largely target women only provide minimal amounts. The bulk of bank loans go to businesses owned by male elites or to male “heads of household.”

Much of the humanitarian government aid from developed to developing nations winds up in the hands of elites who deposit it in Swiss banks, build mansions, and otherwise line their pockets with it. Even when funds go directly to the poor, these too often end up in the pockets of men who use them for themselves rather than their families. The effect of this on the general quality of life is not hard to see.

We’re dealing with a system in which both women and men are socialized to accept the notion that one half of our species is put on earth to be served and the other half to serve, and that mothers, but not fathers, must subordinate their needs and desires to those of their families.

Again, I want to emphasize that what I’m reporting is not intended to blame men for our world’s economic ills. We’re dealing with a system in which both women and men are socialized to accept the notion that one half of our species is put on earth to be served and the other half to serve, and that mothers, but not fathers, must subordinate their needs and desires to those of their families.

This economic double standard flows from the male-superior, female-inferior view of humanity we inherited from more rigidly dominator-oriented cultures. It not only hurts women, but is a template for equating all difference – be it of race, religion, or ethnicity – with superiority and inferiority, with serving and being served, with dominating or being dominated.

In the domination system, there is no partnership alternative. There are only two perceived choices: you dominate or you’re dominated. This has clearly had disastrous effects on human relations. It has also led to an inefficient economic system.

Dr. Eisler goes onto explain the implications for governments under international human rights law, when they fail to effectively combat, and eliminate, violence against women and children within the present system and paradigm,

Protecting the Majority of Humanity: Toward an Integrated Approach to Crimes against Present and Future Generations by Riane Eisler, JD

Until recently, human rights theory and action has focused primarily on the so-called public sphere from which the majority of humanity – women and children – were traditionally barred. If, however, we are serious about building a more just, peaceful, and sustainable future, we have to recognize that our first, and most lasting, lessons about human relations are learned not in the public but in the private sphere. This is

where people learn to respect the rights of others – or where they learn to view human rights violations as normal.

The last half century has seen an expansion of the purview of international criminal law from war crimes to crimes against humanity, as most recently codified in the Rome Statute, which lists a number of human rights violations as Crimes against Humanity whether they are committed in war or peace.[1] This has been a development of major importance, incorporating into international criminal law core principles such as the right to life, not to be tortured, to liberty, and to security of the person laid down in international human rights declarations and conventions.

To change policies and behaviors that fail to respect these and other human rights, we need an integrated approach that takes into account what is considered normal and acceptable in all spheres of life, both public and private, and in all relations, from intimate to international.

The Invisible Majority

An effective approach to protecting the human rights of present and future generations must include the private sphere of family and other intimate relations. This is essential not only because widespread, chronic, and abhorrent, violations of the human rights of women and of children are a global pandemic, but also because psychology and neuroscience show that what children observe and/or experience in family affects their adult beliefs, behaviors, political attitudes – even the neural structures of their developing brains.

*To be sure, not all people growing up in households where women and children are subjected to abuse, discrimination, and oppression accept human rights violations in the public sphere. But studies, going back decades to the classic, *The Authoritarian Personality*, document how individuals who participate in and/or acquiesce to authoritarianism, violence, and scapegoating in the state or tribe tend to be individuals from families where authoritarianism, violence, and scapegoating were the norm.*

Yet many people, even people who support social and economic equity, still see family and other relations in the private sphere as separate, or at best less important, than political and economic relations in the public sphere. In reality, these two spheres are integrally interconnected, as will be shown in this chapter and is briefly illustrated by the following examples:

While poverty and hunger are still discussed in generalities, the majority of the world's poor and the poorest of the poor are women and children. Study after study, including for example the annual Arab Human Development Reports, document that economic development hinges on gender equality. Studies indicate that armed conflicts are less likely where there is gender equity. Research from both psychology and neuroscience shows that childhood experiences are key to human capacity development. Research indicates that children who witness or experience violence in their families are more likely to accept and perpetuate violence in other relations.

Opposition to an Integrated Approach

It was argued that that there must be no interference in the internal affairs of states, it is sometimes argued that what happens inside a family should be free from outside interference. But the same grounds for the rejection by international law of “non-interference” regarding the conduct of states are applicable to the rejection of “non-interference” regarding human rights violations in families.[11]

A related argument would invoke the right to privacy. But that is not the same as immunizing family decisions – or more specifically, the decisions of those who wield power in a family – from public scrutiny and regulation. In short, the protection of personal rights is not synonymous with noninterference with actions within the family – and there often is a direct conflict between the two.

Perhaps the most frequent ground given for opposing challenges to widespread and systemic human rights violations in family and other intimate relations is that what we are dealing with is to a large extent a matter of customary law deeply embedded in traditions. By challenging these traditions, it is argued, we are eradicating traditional cultures and meddling in peoples’ religions. Again, this is a fallacious argument. To help eradicate human rights violations is not the same as eradicating traditional cultures.

A related objection is that people from the West have no right to point to cultural traditions as crimes against present and future generations if they are in the global South. This cultural relativism relies on a patronizing double standard that would give less human rights protection those who happen to be in the global South. It is a betrayal of those in the Global South working to change brutal and unjust practices. Further, crimes against women and children are also still a major problem in the global North, where they are also still justified on traditional/moral grounds in some Western subcultures.

To build a world where human rights and human dignity have any meaning, we must support social justice movements in all areas of the world. Indeed, the emerging international doctrine of Responsibility to Protect (R2P) recognizes that we have the responsibility to “interfere” wherever systemic and egregious human rights violations are involved.

And, finally Dr. Eisler provides us with a comprehensive analysis of the antiquated, patriarchal models of the past, as well as a blue-print and structure, with quantifiable objectives in the framework of FfD, for creating and building the new paradigm that is needed.

The Inadequacy of Economics

Economics as If Caring Matters

Why is caring for children not a more central part of economic models? Indeed, caring in general is undervalued and underpaid. Why is that, when it is so vital to both economic and social health? The author calls for a different model of sustainable growth and development.

All around us, old economic structures are on the verge of collapse. While many people talk of the need for new economic norms. Yet, other than calls for environmental protection, the emerging conversation about a new economics is still primarily based on the premise that capitalism and socialism are the only alternatives, with some writers again arguing that socialism should replace capitalism (Asimakopoulos 2011; Harrington 2011).

This limited discourse fails to take into account important lessons from history. Much has been written about the environmental destruction wreaked by unregulated capitalism and the unequal distribution of resources it fosters. But the environment record of the two large-scale applications of socialism in the former Soviet Union and China is also abysmal, as evidenced by disasters such as the nuclear reactor explosion at Chernobyl and toxic waste dumped into Lake Baikal in the Soviet Union, and the air pollution, stripmining, and other calamities in China. Moreover, both these systems turned into totalitarian and violent regimes. And while both alleviated some economic disparities, they were hardly egalitarian. Under socialist rule in the Soviet Union, big gaps remained between most people and their rulers in the Kremlin. In China today huge gaps have opened up between those on top and those on the bottom of the economic scale.

That neither capitalism nor socialism hold real promise for a truly new economic system is rooted in the foundations of capitalist and socialist theory. Both theories came out of conditions in the eighteenth and nineteenth centuries, and both were attempts to improve people's economic situation (Marx and Engels 1960; Smith 1937). Adam Smith believed that his economic proposals would lead to the greater good of all (Lux 1990; Martinelli and Smelser 1990). Karl Marx wanted to change the appalling poverty and exploitation of the working classes brought about by early industrial capitalism. However, as shown below, both Smith's and Marx's theories were constrained by the cultural environments in which they arose. And one of the most harmful limitations of these theories is that neither gives real value to the work of caring for either nature or people.

This paper proposes that the failure to recognize the real value of the work of caring and care giving has been a major obstacle to the development of a more equitable and sustainable approach to economics. It proposes that moving forward requires economic inventions—economic measurements, policies, and practices—that support caring for people, starting in early childhood, and caring for our natural environment. Even more specifically, it suggests that a key question for our future is what kind of economic system helps children to develop (or prevents them from developing) their full potential for consciousness, caring, and creativity—the capacities that are essential in our rapidly changing world—indeed, the capacities that make us fully human.

Economics from a New Perspective

We are not accustomed to seeing economics and children in the same sentence. Neither have we been taught to think of economics from the perspective of caring for people or nature.

Citing Smith's frequent references to wealth as flowing from the land and labor of a nation, as well as his earlier writings on morality, attempts have been made to attribute concern for our natural environment to him (Frierson 2006). However, rather than recognize environmental limitations, Smith's message was that wealth would grow endlessly thanks to the division of labor, technical advances, and the accumulation of capital governed by the invisible hand of the market powered by self-interest. Similarly, while some writers have attempted to attribute concern for our natural environment to Marx (Burkett 2009), his scientific socialism gives nearly exclusive importance to the commodification of labor, with hardly any attention to the devastating impact of industrialization on nature—an industrialization that was then vigorously pushed in the Soviet Union and China (Benton 1989; McLaughlin 190; Polanyi 1944).

As for caring people starting in childhood, Smith and Marx considered this “women's work” merely “reproductive” labor—not part of their “productive” economic equation. And unfortunately, this distinction between “productive” and “reproductive” labor has been at the core of both capitalist and socialist thinking.

This relegation of caring work to “reproduction” has been criticized especially for how it perpetuates a gendered economy that severely disadvantages women and children. For example, Diane Elson notes that this gendered economy perpetuates a gendered economy that severely disadvantages women and children. For example, Dian Elson notes that this gendered economy perpetuates what are considered appropriate male and female behaviors not only in families but also in businesses, governments, and other social institutions that structure how activities, resources, power, and authority are divided between women and men (Elson 1991, Norton and Elson 2002). Writing from a Marxist/feminist perspective, Rosemary Hennessy (2003) notes that although what is termed reproductive work is a necessary element of all modes of production, it is generally ignored by Marxist economists. Naila Kabeer (2003) argues that because what is considered reproductive work has not been economically rewarded or even counted, economic analysis and policies have focused only on what she calls the tip of the iceberg of what actually goes on by way of productive work.

Yet this distinction persists, despite its lack of accuracy, despite mounting evidence that not caring for our natural environment is potentially suicidal—and even despite findings from neuroscience that caring for people, starting in early childhood, is key to producing the “high-quality human capital” essential for the postindustrial knowledge/service economy.

When child—and hence human capacity development—are the starting point for economic thinking, we can see that a basic problem in capitalist and socialist theory is that neither is based on a full-spectrum economic map (Eisler 2007).

The focus of both capitalist and socialist thinking has been on only three sectors: the market economy, the government economy, and, more recently, also the illegal economy. This old economic map (Figure 1) fails to include the real value of the three life-sustaining economic sectors: the household economy, the natural economy, and the

volunteer economy. In other words, in accordance with the view that “productive” work is limited to paid work, the conventional economic map gives no visibility to the largely unpaid work that has been termed “reproductive” work. (See Figure 1.)

....Therefore, the first step toward a more systemic approach to economics is a new economic map that included these sectors (Figure 2). Using this systemic perspective, we can begin to design an economic system that effectively addresses the unprecedented social, economic, and environmental challenges we face: a system that promotes not only human survival but also full human development.

This does not mean we should discard everything from earlier economic theories. But moving forward requires an economic system that gives real visibility and value to the most essential human work—the work of caring for our natural environment and caring for people, starting childhood.

Moving forward also requires that we recognize that economic systems do not arise in a vacuum. They are influenced by, and in turn influence, the larger social system in which they are embedded.

The exclusion from economic theory of the value of caring and caregiving work was not accidental. It was the direct result of the larger social context out of which both capitalist and socialist theory arose.

However, looking at social contexts from the perspective of conventional social categories does not shed light on this exclusion. The reason is that none of these categories—religious or secular, rightist or leftist, Eastern or Western, industrial or postindustrial, and so forth—describe the totality of a society’s beliefs, institutions, and relationships.

To paraphrase Einstein, we cannot solve problems with the same thinking that created them. We need more systemic social categories that can help us answer a fundamental question: What kinds of beliefs and institutions—from the family, education, and religion to politics and economies—support or inhibit our human capacities for consciousness, caring, and creativity?

The categories of partnership system and domination system reveal the core configurations of societies with two very different kinds of beliefs and institutions that, in turn, support two very different kinds of family, educational, political, and economic structures and relations (Eisler 1987a, 2007).

The Interconnection of Economics and Societies

The configuration of the domination system supports relations of top-down rankings: man over man, man over woman, race over race, religion over religion, nation over nation, and man over nature. The partnership system’s configuration supports relations of mutual respect, accountability, and benefit.

This does not mean that there is only cooperation in partnership systems; people cooperate all the time in domination systems: Monopolies cooperate, terrorists cooperate, criminal gangs cooperate, invading armies cooperate. Moreover, there are also hierarchies in partnership systems but, rather than hierarchies of domination where accountability, respect, and benefits only flow from the bottom up, partnership systems have hierarchies of actualization, where power is not used to disempower but to empower others (Eisler 2007).

If we reexamine the critique of capitalism as unjust and exploitive from the perspective of the domination system and the partnership system, we see that it is in reality a critique of the beliefs, institutions, and relationships inherent in domination systems—be they ancient or modern, Western or Eastern, feudal, monarchic, or totalitarian. We see that long before capitalist billionaires amassed huge fortunes, Egyptian pharaohs and Chinese emperors hoarded their nations' wealth. Indian potentates demanded tributes of silver and gold while lower castes lived in abject poverty. Middle Eastern warlords pillaged, plundered, and terrorized their people. European feudal lords killed their neighbors and oppressed their subjects. In all these precapitalist times and places, the gap between haves and have-nots was astronomical, and the mass of people had little if any chance to improve their lot. In short, they were all rigid domination systems.

We also see that Smith developed capitalist theory in a time when ranking of “superiors” over “inferiors” was still the general norm—be it of kings over their “subjects,” men over the women and children in the “castles” of their homes, or “superior” races over “inferior” ones. In other words, capitalism was developed in time that were still oriented much more to the domination side of the partnership/domination continuum.

Similarly, while Marx's theories came out of time when there were already organized challenges to these rankings, they, too, reflected and perpetuated dominator assumptions—including the devaluation of women and anything stereotypically associated with women, such as caring and care giving. Moreover, when Marx's theories were applied in the Soviet Union and China, it was in cultures where rigid top-down ranking had long been the norm—cultures that still were oriented closely to the core configuration of the domination system.

The first part of this configuration is top-down authoritarian rankings in both the family and the state or tribe and all institutions in between. The second is the ranking of the male half of humanity over the female half—and with this, the devaluation by both men and women of anything stereotypically considered “feminine.” The third is a high degree of culturally accepted abuse and violence, from child and wife beating to pogroms, terrorism, or chronic warfare (Eisler 2007).

To illustrate, from the perspective of conventional categories, Hitler's Germany (a technologically advanced, Western, rightist society), the Taliban of Afghanistan and fundamentalist Iran (two Eastern religious societies), and the would-be regime of the rightist-fundamentalist alliance in the United States seem totally different. But all have the mutually supporting core components of the domination system. They all have top-

down control in both families and states or tribes; rigid male dominance; and the acceptance, even idealization, of violence as a means of imposing one's will on others (Eisler 1987a).

Neoliberalism, too, can best be understood in terms of these foundational components of domination systems. The policies advocated by this recent iterations of unregulated capitalism are designed to reconsolidate wealth and power in the hands of those on top (Harvey 2005, 2011).

While neoliberal rhetoric is about freedom, what this really means is freedom for those on top to do what they wish, free from government regulation (Harvey 2005, 2011). Its "trickle-down economics" is simply a return to the "traditional" order where those on bottom are socialized to content themselves with the crumbs dropping from their masters' opulent tables. The neoliberal promotion of the "preemptive war" against Iraq continued the traditional reliance of domination systems of violence.

The neoliberal's alliance with the so-called religious right reinforce still another core component of domination systems. This is a "traditional," highly punitive family where children learn that it is very painful to question orders, no matter how unjust, and where the ranking of one half of humanity over the other half is presented as normal and moral—a mental and emotional template for equating all differences with either superiority or inferiority, dominating or being dominated.

With this ranking of male over female comes another distinguishing feature of neoliberalism: its contempt for the "soft" or stereotypically "feminine," as in the vitriolic attacks on what they call the "nanny state." Accordingly, a key neoliberal requirement is that government programs designed to care for people, such as health care, child care, and aid to poor families, be defunded both in the United States and through "structural adjustment policies" in the "developing" world. In short, neoliberalism is really the economics of domination.

By contrast, the partnership systems has a very different core configuration. Its key elements are a democratic and egalitarian structure in both the family and state of tribe; equal partnership between women and men; and a low degree of abuse and violence because they are not needed to maintain rigid rankings of domination (Eisler 2007). (See Figure 3).

No society is either a pure partnership or domination system, but the degree to which it is affects everything—including its guiding values.

Economics, Values, and Caring

Economics is above all, about values. Classical economics say that value is determined by supply and demand—and this is certainly a factor. But more important are the underlying cultural values, and these are so taken for granted that they are often unconscious.

Hence changing economics requires reexamining underlying cultural beliefs about what is valuable or not valuable. And this, in turn, depends largely on the degree of orientation of a society to either end of the partnership/domination continuum.

The contemporary countries that have moved most closely to the partnership side of the partnership-domination continuum are Nordic countries such as Sweden, Norway, and Finland. Here we find more democracy and equality in both the family and the state; a higher status for women (approximately 40 percent of their national legislators are female); and concerted efforts to leave behind traditions of abuse and violence (they pioneered the first peace studies and the first laws prohibiting physical discipline of children in families, and have a strong men's movement to disentangle "masculinity" from its equation with domination and violence).

Supported by this more partnership-oriented social configuration, they pioneered economic policies that combine positive elements of socialism and capitalism—but go beyond both by adopting economic inventions that give priority to caring for people and nature. These countries have government-supported child care, universal health care, stipends to help families care for children, elder care with dignity, and generous paid parental leave.

These more caring policies, in turn, were key in these countries' move from extreme poverty (famines in the early twentieth century) to today regularly ranking high in the United Nations' annual Human Development Reports in measures of quality of life as well as in the World Economic Forum's annual Global Competitiveness reports (Schwab 2011; UNDP 2010).

While they are not ideal societies, they have succeeded in providing a generally good living standard for all. They have low poverty and crime rates and high longevity rates. Because they also provide good family planning and encourage women to enter the paid labor force, their support for raising children has not led to a population explosion. Their children score high on international tests. These countries pioneered environmentally sound industrial approaches, such as the Swedish "Natural Step," and are ahead of most other countries in meeting their goal of environmental sustainability. Some of the first experiments in industrial democracy came from Sweden and Norway, as did studies showing that a more participatory structure—where workers play a part in deciding how to organize tasks and what hours to work—can be extremely effective. Moreover, Nordic states have a long history of business cooperatives, jointly owned and democratically controlled enterprises that have included concern for the community in which they operate as one of their guiding principles.

With the ascendancy of neoliberalism and the globalization of unregulated capitalism over the last decades, Nordic nations, too, began to move somewhat toward more privatization....

...factors to understand why the Nordic countries moved out of poverty to develop a prosperous, more caring and equitable economic system in a relatively short time. And

one of these factors, still ignored in mainstream economic analyses, is greater equality between the male and female halves of humanity...

While this was not the only factor, the higher status of Nordic women has had important consequences for the values that guide Nordic policies. In domination-oriented systems, men are socialized to distance themselves from women and anything stereotypically considered feminine, lest they be tagged with humiliating labels such as “wimp,” “sissy,” or effeminate.” By contrast, in partnership-oriented cultures, men can give more value to caring, care giving, nonviolence, and other traits and activities deemed inappropriate with “inferior” femininity. So, along with the higher status of Nordic women, many men and women support more caring policies—policies that give value and visibility to the work of caring people and nature (Eisler 2007).

Making the Invisible Visible

The systemic devaluation of the activities that contribute the most to human welfare and development because they are still associated with women and the “soft” or “feminine” lies behind a kind of economic insanity. This insanity is still reflected in, and perpetuated by, conventional indicators of economic health such as gross domestic product (GDP) and gross national product (GNP).

As noted earlier, these measures actually place activities that harm life (like selling cigarettes and the medial and funeral costs from smoking) on the plus side. Yet they give absolutely no value to the life-sustaining activities of both household economy and the natural economy. So, an old grove of trees is only included in GDP when it is cut down—whereas the fact that we need trees to breathe is ignored. Similarly, the caring and care-giving work performed in households is given no value whatsoever, and economists often speak of parents who do not hold outside jobs as “economically inactive”—even though they often work from dawn to midnight.

It is sometimes argued that the value of this household work cannot be quantified. Certainly there are benefits such as the psychological well-being of both the person being cared for and the person doing the caring that cannot be assigned numerical value. But thanks to the activism of organizations worldwide, many countries now have “satellite” accounts that quantify the value of the work of caring for people and keeping healthy home environments. For example, a 2004 Swiss government report showed that if the unpaid “caring” household work still primarily performed by women were included, it would comprise almost half the reported Swiss GDP (Schiess and Schon-Buhlmann 2004).

Yet, as numerous scholars have noted, information about the enormous value of the work of caring is still not included in conventional economic treatises—be they capitalist or socialist (Brandt 1995; Crittenden 2001; Folbre 2001, 2010; Gornick and Meyers 2003; Henderson 1999; Jain and Banerjee 1985; Nelson 2006; Waring 1988). Moreover, even most indicators currently being developed as alternatives or supplements to GDP still fail to include this information.

In 2010, the Center for Partnership Studies (CPS) commissioned the Urban Institute in Washington, DC, to do a study of a cross section of these new economic indicators. Their report, “The State of Society: Measuring Economic Success and Human Well-Being,” found that these newer indicators still fail to give adequate visibility and value to the work of caring for people (de Leon and Boris 2010).

Part of the reason is that the contribution of the household economy is still not taken into account by current economic measurements and policies. Yet another reason is that even in the market economy, professions that involve care giving are paid far less than those that do not. So in the United States, people think nothing of paying plumbers, the people to whom we entrust our pipes, \$50 to \$100 per hour. But child-care workers, the people to whom we entrust our children, are paid an average of \$10 an hour, with no benefits (U.S. Bureau of Labor Statistics 2010). And we demand that plumbers have some training but not that all child-care workers have training.

To understand, and move beyond, this distorted system of value—and to effectively address seemingly intractable problems such as poverty and hunger—we again have to look at matters that are only visible once we recognize the configurations of the partnership system and the domination system.

Economic Policy, Poverty, and the Hidden System of Gendered Values

A major reason poverty has seemed so intractable is that policymakers have failed to take into account that women represent a disproportionate percentage of the poor worldwide. According to some estimates, 70 percent of those who live in absolute poverty, which means starvation or near starvation, are women (UN Women n.d.).

Even when women’s poverty is discussed, it is generally in terms of workplace discrimination and the pay gap between women and men worldwide. But a major, still largely ignored, factor in women’s poverty is that the work women do in the families—including child care, health and elder care, housekeeping, cooking, and, in parts of the global south, collecting firewood, drawing and carrying water, and subsistence farming—is done for free.

In the rich United States, female-headed families are the lowest tier of the economic hierarchy. In addition, according to the U.S. Census Bureau figures, the poverty rate of women over sixty-five is almost twice that of men over sixty-five (U.S. Census Bureau 2009). This is not only due to wage discrimination in the market economy; it is largely because these women are, or were for much of their lives, either full- or part-time caregivers—work that was neither paid nor later rewarded through Social Security or pensions.

This is not to say that economic inequities based on gender are more important than those based on class, race, or other factors. These inequalities are all inherent in domination systems. But a basic template for the division of humanity into “superiors” and “inferiors” that children in dominator families internalize early on is a male-superior/female-inferior model of our species. And this template can then automatically

be applied to ranking one race, religion, or ethnic group over a different one. Not only that, along with the ranking of male over female comes the devaluation not only of the female half of humanity but of anything stereotypically associated with the “feminine.”

If we look back just a few hundred years, we see this devaluation of the “soft” or “feminine” writ large. At that time, Western culture still looked like some of the most repressive societies do today. The norm was an authoritarian structure in both the family and the state. Wars and religious persecutions were chronic. And women and anything associated with them were so devalued that some theologians even debated whether woman has an immortal soul (Eisler 1987a).

Since then, albeit against enormous resistance and periodic regressions, there has obviously been movement toward the partnership side of the partnership-domination continuum. With this has come a greater valuing of women and the “feminine”—with benefits not only for women but also for men and children of both genders.

Economics and Gender

The study “Women, Men, and the Global Quality of Life” conducted by the Center for Partnership Studies compared statistical measures from eighty-nine countries on the status of women, with measures of quality of life such as infant mortality, human rights ratings, and environmental ratings. It found that in significant respects, the status of women can be a better predictor of quality of life than GDP (Eisler, Loye, and Norgaard 1995).

Since then, other studies have also verified the relationship between the status of women and a society’s general quality of life. The World Values Survey is the largest international survey of how attitudes correlate with economic development and political structure. In 2000, this survey focused attention on attitudes about gender for the first time. Based on data from sixty-five societies representing 80 percent of the world’s population, it found a strong relationship between support for gender equality and a society’s level of political rights, civil liberties, and quality of life (Inglehart, Norris, and Welzel 2002). More recently, the World Economic Forum’s Global Gender Gap Reports show that the countries with the lowest gender gaps (such as Norway, Sweden, and Finland) are also countries that rank high in the World Economic Forum’s Global Competitiveness Reports (Hausmann, Tyson, and Zahidi 2010).

There are many reasons for a correlation of the status of women with national economic success and quality of life for all. One, of course, is that women are half of humanity. But the reasons go much deeper, to the still largely unrecognized interconnected social and economic dynamics inherent in domination systems...

Man’s Conquest of Nature

Even our environmental crisis is largely a symptom of the distorted values inherent in domination systems. We are often told that the Western scientific-industrial revolution that began to gain momentum along with the Enlightenment in the eighteenth century is

to blame for the havoc we are wreaking on our natural life-support systems (Capra 1982). But the “conquest of nature” worldview goes back much further.

We have inherited an economics based on the premise that man is entitled to control both woman’s and nature’s life-sustaining activities. In Genesis 1:28, we read that man is to “subdue” the earth and have “dominion... over every living thing that moveth upon the earth.” In Genesis 3:16 we read that man is to rule over woman, who is to be his subordinate.

However, this notion of male control over nature and woman was not introduced in the Bible. We already find it millennia earlier. For example, the Babylonian Enuma Eish tells us that the war go Marduk created the world by dismembering the body of the Mother Goddess Tiamat. This myth superseded earlier myths about a Great Mother who created nature, and humans as part of nature, through her life-giving powers with a story where the violence of a male deity brings forth the world. It not only signals the beginning of a period when female deities, along with women and anything associated with them, were subordinated; it also signals a shift to a domination system in which masculinity is equated with domination and conquest—be it of women or of nature (Kramer 1963).

This ethos of domination has cause enormous suffering and damage for thousands of years. But the plunder of nature, now aided by powerful technologies that cause terrible harm in a matter of years, even months and days, today threatens our planetary life-support systems (Brown 2009; Global Footprint Network 2010).

The mix of high technology and an ethos of domination is not sustainable. Therein lies the danger. But the upheavals and dislocations of our time also offer an opportunity to shift to economic institutions, rules, policies, and practices that support caring for ourselves, others, and nature in both the market and nonmarket economic sectors.

Redefining Productive Work

We already saw how caring policies in Nordic countries played a major role in their move from dire poverty to a high quality of life for all. Other examples abound, like the enormous financial benefits from investing in parenting education and assistance, as shown by the Canadian Healthy Babies, Healthy Children program (Ontario Ministry of Health and Long-Term Care 2003), and investing in high-quality early-childhood education, as shown by follow-up studies of the U.S. Abecedarian Project (Masse and Barnett 2011).

There are many ways of funding this investment in our world’s human infrastructure—an investment that should be amortized over many years, as is done for investments in material infrastructure such as machine and buildings. One source is to shift funding from the heavy investment in weapons and wars characteristic of domination systems. Another is through the savings on the immense costs of not investing in caring and care giving: the huge expenditures of taxpayer money on crime, courts, prisons, lost human potential, and environmental damage. Taxes on financial speculation and other harmful

activities, such as making and selling junk food, can also fund investment in caring for people and our natural habitat.

As noted earlier, this investment is essential for economic success. Good care for children will ensure that we have the flexible, innovative, and caring people needed for the postindustrial workforce (Cleveland and Krashinsky 1998; Kershar and Anderson 2010). Both psychology and neuroscience show that whether these capacities develop hinges largely on the quality of care and education affects nothing less than the neural structures of the brain (Neihoff 1999; Perry 2002).

With the aging of the world's population, on the one hand, and the enormous number of young people facing an ever more uncertain future in our globalized postindustrial economy, on the other, educating and remunerating people for care giving will not only help close the "caring gap" –the worldwide lack of care for children, the elderly, the disabled, and the sick and infirm. It will also eventually lead to a redefinition of "productivity" that gives visibility and value to what really makes us healthy and happy—and in the bargain leads to economic prosperity and ecological sustainability.

This redefinition of productive work is essential, given the rapidly changing job landscape. Robotics and other forms of automation have already altered this landscape in unprecedented ways, with the continuing loss of manufacturing and white-collar jobs and, increasingly, also of programming and other high-technology jobs. Predictions are that many mid- and high-level jobs also will disappear because of the expansion of automated intelligent systems capable of decision-making, advisory, and analytical functions. While these systems are not likely to replace humans altogether, they will markedly reduce the number of people needed to support business and government activities.

As we move further into the postindustrial economy, the industrial job base will shrink as radically as the agricultural job base shrank earlier, from employing a majority of workers to less than 5 percent. But unlike industrialization, automation does not offer large numbers of replacement jobs, especially in the nonprofessional occupations that until now provided mass employment.

Foreseeing this problem, and the mass suffering accompanying it, liberal economists such as Robert Theobald proposed a guaranteed annual income to help those in need (van der Veen and van parijs 1986). For similar reasons, and to prevent extensive violence and the collapse of social and economic infrastructures, conservative economists such as Milton Friedman proposed a negative income tax that would give people with no or low earnings a government stipend (Allen 2001).

But both these measures only entail doling out money and contribute nothing to either economic or personal development. They do not give recipients the opportunity to do meaningful work, and so rob people of the feeling that they are doing something of importance. Nor does a guaranteed annual income or a negative income tax discourage harmful behaviors and reward positive ones. Neither addresses uncaring economic

policies and business practices. Neither takes into account the damage such policies and practices do to our health and our natural habitat, as well as the loss of human potential that they entail. And neither addresses the power imbalances that lie behind chronic economic inequity and inefficiency.

There is a more appropriate response to the challenges of the postindustrial world—policies that support and reward activities that machines and high-technology devices, no matter how sophisticated, cannot perform (Eisler 2007). But implementing this response requires recognizing that the distinction between “productive” and “reproductive” work is spurious, given the enormous economic contribution of the work of caring performed in the nonmarket household economic sector.

As many feminist writers have pointed out, since the work involved in taking care of children, the sick, the disabled, and the elderly creates a public good, caregivers (primarily women) should be fairly compensated by society or the state. Fortunately, there is movement in this direction not only through the work of feminist scholars such as Mayra Buvinic et al. 2008), Ann Ferguson (Ferguson and Folbre 1981), Nancy Folbre (2001, 2010), Heidi Hartmann (1979), Juli Nelson (2006), Nel Noddings (2002), and many others but also through the work of men writing about the enormous value of care-giving work. For example, political scientist Paul Kershaw points out that care giving is civic work that produces public goods—and that support for this work is the most cost-effective investment a society can make (Kershaw 2005; Kershaw and Anderson 2009; Kershaw et al. 2009).

As mentioned earlier, this kind of investment should not be classified as an annual expense, thus adding to government deficits. Since it is essential investment in a country's most important asset—its human infrastructure—it should be amortized over a generation, like investments in other infrastructure that make it possible for organizations to function effectively.

Conclusion

All around us are signs that the old economic approaches are not capable of adapting to new circumstances. The old idea of economic health and economic growth being identical is being shown to be not only antiquated but also inhuman, irrational, and, ultimately, suicidal.

First, economic growth is being measured in peculiar ways that bear little relationship to people's day-to-day realities. GDP pays no attention to poverty and hunger or the widening gaps between haves and have-nots. Nor does it consider the damage caused by many of the harmful activities it includes as “productive,” which are still quaintly termed “externalities.”

Second, “growth” is currently used to denote unlimited growth, and this is unsustainable. A degree of economic growth within the limits of ecological resilience makes sense. But even here the issue of what kinds of goods and services are part of growth must be considered.

Current production patterns, including the transportation of goods over huge distances, ecologically damaging packaging, and polluting emissions, have devastating environmental impacts. Not only that much of what is being consumed is harmful to consumers.

In the United States, consumer spending accounts for 70-80 percent of the U.S. economy. A large portion of goods and services, such as those produced by the billion-dollar fast food, chemical pesticide, and gun industries, cause disease and death. In addition, some consumer goods, such as those produced by the billion-dollar cigarette, alcohol, and prescription drug industries, which pump people full of often-incompatible and even disease-producing chemicals, are addictive. Others, such as the constantly redesigned appliances, electronics, and other products deliberately manufactured for planned obsolescence, not only pile up in our landfills but are, at best, only temporary substitutes for satisfying relationships and meaningful work—as demonstrated by studies showing that extreme affluence does not correlate with happiness (Layard 2005).

Moreover, the current definition of economic development is also dependent on ever-increasing consumption—on exporting these unhealthy and unsustainable lifestyles to the global south, rather than ending the enormous gaps between those on top and those on the bottom and providing access to family planning and empowering women—both demonstrated as essential to halt exponential population growth. This matter of population growth, which is today strangely missing from the mainstream conversations about both economic justice and environmental sustainability, is still another major threat to our global future, linked to chronic poverty, disease, deforestation, water and food shortages, pollution, and other afflictions that current economic systems have not, and cannot, effectively resolve.

If we add to all this the accelerating shift to automation discussed earlier, it is even more evident that returning to the old normal is not an option. What is needed is a new normal—a new economic system that supports a more adaptive, responsible, and caring ethos for governments, businesses, science, and technology.

The challenge is how to develop such a truly new economic system. And here we return to the need to redefine “productive” work to include what has traditionally been termed “reproductive” work. We also return to the need for new economic indicators that demonstrate the enormous financial and social value of caring for people and nature in both the market and nonmarket sectors.

A growing number of groups are now working to lay foundations for such an economic system. For example, the Alliance for a Caring Economy (ACE) is a coalition of national and international organizations ranging from women’s, children’s, educational, and responsible business groups to academicians, faith communities, and environmental groups coordinate by the Center for Partnership Studies (CPS). The ACE Web site features the work of member organizations to build a more caring, just, and sustainable economy and focuses attention on the need for the development of new “social wealth”

indicators that can help persuade governments and businesses to make a long-term investment in caring.

Especially in our time, when “high-quality human capital” –flexible, creative people who can work in teams and think in long-term, not only short-term, ways—is essential for economic success, it can be argued that the production of this capital through the care-giving activities still generally categorized as “reproductive work” is actually the most productive of all work. Similarly, caring for our natural environment is today a prerequisite not only for sustainability but also for humanity’s future survival.

A major contribution to a shift in economies priorities can be made in the academy by reframing the economic and policy conversation. And an important first step is moving past the conventional dichotomy between “productive” and “reproductive” labor.

This takes us to where we began, to the need for policies and practices that are good for children—today and for generations to come. If this goal guided government and business policies, continuing to use advanced technologies to pollute and destroy our natural habitat would be inconceivable. Also inconceivable would be the financial drain of chronic wars, corruption, and greed, and the unnecessary deaths of millions of children every year, not to speak of slashing government investment in child care, health, and education.

There will be those who say that a caring economic system guided by what is good for children is a utopian dream. But economic systems are human creations. Through new ways of thinking and new economic inventions, we can help pave the way for a future where all children have the opportunity to realize their potential for consciousness, empathy, caring, and creativity—the capacities that make us fully human.

The Old Paradigm, Empowering Women & Judicial Transparency

However, as my case against Spain demonstrates, due to fundamental problems within systems and societies, women (in addition to general populations) will not be *empowered* nor lifted out of poverty by this ambitious plan without dramatic reforms. Instead of lifting economies out of poverty, the excesses and perpetuation of greed and immorality of financial markets (as well as other industries) will sink them still farther and farther into decay.

If the global community does not take draconian action against the extensive and systematic negligence, corruption and greed within the courts and legal professions, the monies destined to “lift the world out of poverty” will instead *create more greed and corruption* amongst the general public, and more greed and corruption in the financial markets, and in turn more greed and corruption in the corporate and political world – with all the health, ecological and socio-economic problems that plague our planet, multiplied once again.

The Relationship Between Human Rights and Corruption by Victoria Jennett

As Victoria Jennett explained at the International Council on Human Rights Policy Review Meeting, Corruption and Human Rights (2007), *The Relationship Between Human Rights and*

Corruption: The Impact of Corruption on the Rights to Equal Access to Justice and Effective Remedy,

Corruption in the judicial system undermines democracy and human rights as well as diminishing economic growth and human development. The judicial system is the cornerstone of democracy: the enforcer and interpreter of the law passed by the legislature and implemented by the executive. It is also the final arbiter of disputes between parties. If a justice system is corrupt public officials and special interest groups can act in the knowledge that, if exposed, their corrupt and illegal acts will go unpunished. Public confidence in governance and the institutions of state is eroded as judicial corruption facilitates corruption across all sectors of government and society. Human rights are debased as citizens are not afforded their rights of equal access to the courts, nor are they treated equally by the courts. The international business community is reluctant to invest in countries [] where there is no certainty in the rule of law and no guarantee that contracts will be respected because the judicial system is in the service of those in power or with the deepest pockets rather than in service to the rule of law.

Unfortunately, in the past decades, the legal profession has been plagued by the same greed and corruption found in the banking industry and financial markets, leaving the courts, therefore our democracies, in absolute and utter shambles. In fact, without rampant immorality in the legal community (and thereby the courts), rampant and systematic corruption in the other professions and industries would never have been possible. In moving forward, and repairing some of the damage done in the past, it is vital that public authorities, and regulatory agencies, assure good governance and integrity in the courts -- noting that no recognition, nor action, is forthcoming from governments at present.

Given the dire state of affairs in the world, it is imperative that the global legal community take a very strong stance against the rampant immorality, and corruption within their profession. The pervasiveness and omnipresence of immorality that plagues every industry and profession was examined at the IMF-World Bank Annual Meeting (2015). The conference, *Individual Integrity in Public Sector Governance*,⁴⁷ which looked at governance and the long-term economic effects of weak institutions and undue influence on laws, regulations, and policies by powerful corporate interests, was a wake-up call to governments and policy-makers everywhere.

Unfortunately, as the situation stands at present, the financial markets, which will be used to distribute the Finance for Development funds (FfD), are the same financial markets that are responsible for the financial crisis in the first place. Perhaps some of the financial products which caused the present situation have disappeared, or been regulated into some semblance of acceptability, (if not integrity), the underlying problems – rampant greed and corruption – have not, and are not, being addressed. So it stands to reason, that if the fundamental problems, which

⁴⁷ http://www.imf.org/external/POS_Meetings/SeminarDetails.aspx?SeminarId=79

created the economic crisis in the first place, are not addressed in a holistic fashion, then injecting large sums of capital into the same broken financial system, will just re-produce and amplify the same greed and amorality as it did before – with the same catastrophic results as before.

Other People's Money by John Kay

Once again John Kay in *Other People's Money* provides some insight into how the rise of global social conservatism in the past decades has in turn given rise to economies dominated by **market fundamentalism**,

To understand why the political response to the events of 2008 was so feeble, it is necessary to begin with the intellectual and political background. The consensus on the mixed economy fell apart in the 1970s and 1980s. The decisive events occurred in the two largest centrally planned economies, with the collapse of the Soviet Union and the abandonment of its empire, and the opening of China to the market. At the same time, reaction in the US and Britain against what was seen as increasingly sclerotic corporatism led to the rise of the radical right under Reagan and Thatcher. In the developing world, success in achieving economic growth was broadly correlated with enthusiasm for capitalist models of economic development.

And so the right, which had often dominated the levers of economic policy, came for the first time in a century to dominate the terms of economic debate. A market fundamentalism, which had only a short time before been advocated only by an extremist fringe, became a mainstream ideology. The terms globalisation and privatisation were central the language of those who resisted these developments as well as those who welcomed them.

Market fundamentalism rests on a range of assumptions. Greed is the dominant motivation in economic affairs. Markets populated by self-interested individuals are the only efficient form of economic organisation, and interference with markets is justified only to accommodate a limited class of defined market failures. The role of the state is appropriately limited to the enforcement of contracts and property rights, and perhaps the provision of a minimal welfare safety net.

Market fundamentalism as practical doctrine meant that more markets were better than fewer markets: and the more trade that occurred in these markets, the more prosperous the economy, or at least the advocates of this philosophy, would be. The policy response towards the financial sector was to encourage the proliferation of new securities instruments and markets and to promote, in the name of increasing liquidity, an explosion of trading volumes.

Market fundamentalism is a travesty of how market economies, of which there are many varieties, really operate. Markets function only because they are embedded in context. Property rights and contracts are social constructions. The pursuit of greed destroys both the organisations that exemplify it and the legitimacy of the system that supports it, as the events of 2008 proved. The organisation that “Makes nothing but money” (Bear

Stearns's notorious self-description), proved in the long run not even to make that. Most important risks in society—including, we now see, the risk of dislocation in risk markets themselves—are handled not through markets, but by social institutions. Complex modern economies require far more cooperative activity than a market fundamentalist account would allow.

True believers in market fundamentalism were never more than a small minority though business interests were ready to espouse its convenient rhetoric. The subtle but important distinction between policies that support a market economy that support the interests of established large firms was not widely appreciated by policy makers on either right or left. Free market policies could therefore be interpreted as the promotion of a wish list for corporate lobbyists. And no group of corporate lobbyists was better-funded, or more assiduous, than that representing the financial services industry.

In 2008 the market fundamentalist doctrine, which implied failing businesses should be allowed to collapse, conflicted with the practical fact that these failing businesses included the largest and most politically well connected corporations in Europe and America. Doctrine did not last long: at most, the forty-eight hours from the collapse of Lehman to the bailout of AIG. The most strident business advocates of market fundamentalism made clear that the principle of survival of the fittest had never been intended to apply to them. Government support for free markets meant government support of markets. If they seized up, the responsibility of government was to support these markets by providing the liquidity that would enable them to trade freely. In this intellectual milieu the notion of putting a \$700bn slush fund for failed businesses at the discretion of a Secretary of the US Treasury who was himself the former CEO of the largest investment bank, seemed entirely natural and coherent. It is difficult to exaggerate the sense of entitlement felt, and still felt, in the City of London and on Wall Street.

Market fundamentalism set the political left on the back foot in economic argument for three decades, and it completely failed to come to terms with the triumph of the market. There had been—and remains—an opportunity for the left to explain that effectively functioning markets are the product of a social context. But attempts by Clinton and Blair to point to a “Third Way” collapsed in vacuity and derision. The pragmatic but intellectually incoherent response was to accept the primacy of the market with bad grace.

So when the banking system collapsed in 2008, the political left, bereft of ideas or analytic framework, readily acquiesced in the process by which the governments provided much of the capital and underwrote all the liabilities of major banks. Frightened of the word “nationalisation”, far less its reality, a Labour government in Britain would not countenance discussion of the issue: although the moment was one at which many people on the political right would have been easily convinced that such measures provided the best means of reorganising banks and securing continuation of their essential functions during the necessary and inevitable restructuring process. But

simply writing large cheques saved thought, and averted a confrontation for which politicians were, and continue to be, completely unprepared.

The statement “there should be more regulation” is a hopelessly inadequate response to the problems the modern financial sector poses for the real economy. There is no point in saying there should be regulation unless there is clarity about objectives and the questions that such regulation might address. Despite the plain evidence not so much of the past failure of regulation, but of its continuing irrelevance, ludicrously exaggerated expectations of what regulation might achieve remain widespread. If the CEOs and boards of large financial institutions had difficulty in both understanding and controlling what was happening within them, that was a fortiori true of external regulators. The issue was not, and never has been, that regulators lacked powers. The capacity to apprehend Bernie Madoff, to block the acquisition of ABN-Amro by RBS, or to prohibit the establishment of off-balance sheet vehicles with huge liabilities that banks would be expected to underwrite, has always been there. The issue is that regulators lacked political authority and technical competence to intervene. They still do.

At present, the principal objective of regulation appears to be to stabilise the existing structure of financial institutions. The declared purposes of the new regulatory institutions in Britain are to promote stability and maintain confidence. This approach is not surprising, since the institutions of financial services regulation are mostly captured by the industry. In some cases they are directly controlled by it; more often, they are manned by people who see the industry through its own eyes because they have no other perspective. The regulatory goal is the health of the industry, which is in turn interpreted as the health of the particular firms from which it is today composed. The purpose is the achievement, not of financial stability, but of industry stability, as if these were the same thing: but since the sources of instability are to be found in the structure of the industry, accomplishment of this goal is in fact a guarantee of further, and potentially more damaging, crises.

Although poorly organised to manage their own affairs, large financial institutions were, and are, well organised to manage their external relations. Investment bankers are generally politically adroit if not managerially skilled. Policy makers recognised the intelligence and the range of contacts of investment bankers, overestimated their importance in business and the economy, and had little appreciation of what they did, beyond the fact that it was very difficult to understand.

However, George Akerlof and Robert Shiller provide us some insight into the human element, and the dysfunctionality of that human element, in *Animal Spirits: How Human Psychology Drives the Economy, and Why It Matters for Global Capitalism*. Here, Akerlof and Shiller, in their argumentation decidedly debunk the common myth amongst economist, policy-makers, governments, and even the general public, that consumers are *rational* decision-makers when making household purchasing and investment decisions (and many other life altering decisions at times),

The thought experiment of Adam Smith correctly takes into account the fact that people rationally pursue their economic interests. Of course they do. But this thought experiment fails to take into account the extent to which people are also guided by noneconomic motivations. And it fails to take into account the extent to which they are irrational or misguided. It ignores the animal spirits.

In contrast, John Maynard Keynes sought to explain departures from full employment, and he emphasized the importance of animal spirits. He stressed their fundamental role in businessmen's calculations. "Our basis of knowledge for estimating the yield ten years hence of a railway, a copper mine, a textile factory, the goodwill of a patent medicine, an Atlantic liner, a building in the City of London amounts to little and sometimes to nothing," he wrote. If people are so uncertain, how are decisions made? They "can only be taken as a result of animal spirits." They are the result of "a spontaneous urge to action." They are not, as rational economic theory would dictate, "the outcome of a weighted average of quantitative benefits multiplied by quantitative probabilities."

... in modern economics animal spirit has acquired a somewhat different meaning; it is now an economic term, referring to a restless and inconsistent element in the economy. It refers to our peculiar relationship with ambiguity or uncertainty. Sometimes we are paralyzed by it. Yet at other times it refreshes and energizes us, overcoming our fears and indecisions.

Just as families sometimes cohere and at other times argue, are sometimes happy and at other times depressed, are sometimes successful and at other times in disarray, so too do whole economies go through good and bad times. The social fabric changes. Our level of trust in one another varies. And our willingness to undertake effort and engage in self-sacrifice is by no means constant.

The idea that economic crises, like the current financial and housing crisis, are mainly caused by changing thought patterns goes against standard economic thinking. But the current crisis bears witness to the role of such changes in thinking. It was caused precisely by our changing confidence, temptations, envy, resentment, and illusions—and especially by changing stories about the nature of the economy. These intangibles were the reason why people paid small fortunes for houses in cornfields; why others financed those purchases [] why a large fraction of the world's banks are underfunded; and why, as we write, some of them are still tottering on the brink, even after a bailout, and may yet be the next to go. And we know not what is yet to come.

Obviously, until and unless the fundamental problems enumerated above are addressed by policy-makers and governments, injecting large sums of money into a broken system will culminate in disastrous results, particularly for women marginalized by those systems.

The case presented here examines how the failure of the Spanish government to implement gender-equal norms under international human rights standards is systematically disempowering women, encouraging gender-violence, and promoting the oppression of women in Spain.

As demonstrated in my case, **empowering women will not, and cannot occur as long as rampant negligence, corruption, and discrimination against women, prevails in the court.** And, while women in general are facing elevated levels of discrimination in the courts, victims of domestic violence are particularly exposed and vulnerable to abuses of power, as abusers are actively utilizing the courts to revictimize victims.⁴⁸

It is important to note that while abusers are utilizing a variety of tactics with which to re-victimize victims (including all of their networks), the superior financial position of the abuser is the strongest weapon at his disposition. Not only may the abuser continually initiate superfluous and mis-leading litigation in order to exhaust the economic resources (legal fees, etc.) of his victims, but he may “buy” evidence, testimonies, and even judicial decision leaving victims financially, emotionally, and physically exhausted. The mental torture and exhaustion from legal abuse, for most victims, is as, if not more damaging than the pain and suffering inflicted by their intimate partner. And, at times is ending with their incarceration as seen in the case of Maria Jose Carrascosa in New Jersey.

Whatever self-esteem, fortitude, or life, battered-women have entering judicial systems is beaten, and re-beaten, out of them by the very systems *designed* to assist them. (And, whatever the courts do not beat out of these women is beaten out of them by the erosion of rights in labor markets, housing, and communities in general.) The reality of family courts is that they are a *for-profit, pay-to-play business*, which exhausts and breaks victims down to nothing, both financially and emotionally. Within the entire matrix, victims become nothing more than the *proverbial lambs being lead to the slaughter-house* by lawyers, judges, mediators, court-clerks, consular reps..... (thrown into a life-long cycle of poverty in the process). Even the NGOs (domestic violence, women’s rights, women’s entrepreneurial/development, boot-camps, etc.) that exist “to assist,” are nothing more than a façade for government propaganda campaigns. Even if some of the civil servants in these organizations are well-intending, they are powerless to combat the *big money* influence that patriarchal rights groups in are having on the courts, legal community, press, and general public. As the UN report, *In-depth study on all forms of violence against women* (2006), explains,

Too often inter-agency work at local levels is little more than window-dressing meetings, roundtables and even entire projects which result in reports, workshops or conferences, but create minimal change in the support, safety and services provided for victims/survivors, the sanctions applied to perpetrators or the efforts aimed at prevention. A clear leadership role for womens specialist services should be built into all

⁴⁸ Are “Good Enough” Parents Losing Custody to Abusive Ex-Partners? By the Leadership Council -- <http://www.leadershipcouncil.org/1/pas/dv.html>; Chesler, Phylliss, *Mothers on Trial: The Battle for Children & Custody*, Chicago, Lawrence Hill Books, 1986, 1987, 2011; Pleck, Elizabeth H., *Domestic Tyranny: The Making of American Social Policy Against Family Violence from Colonial Times to the Present*, Oxford University Press, 1987; Goodmark, Leigh, *A Troubled Marriage: Domestic Violence and the Legal System*, New York, New York University Press, 2012; Winner, Karen, *Divorced from Justice: The Abuse of Women and Children by Divorce Lawyers and Judges*, New York, Harper Collins Pub., 1996

inter-agency projects alongside a linked reference group of survivors, or another feedback mechanism, to ensure accountability and monitoring.

My own activism work is primarily directed at building transnational communication between NGOs, civil societies, activist, and victims. But, the greatest challenge, to start, is the clear lack of leadership on the various issues – leadership which can bring the right and left (globally) onto a cohesive ideological platform, and one that moves beyond the East/West, [*burka vs. bikini*](#)⁴⁹ issues.

The fundamental issue at stake here, is not how a woman should, or should not, dress. The fundamental issue goes much, much deeper; one to the equality of men and women’s private rights within the home and family. Until the courts, and society, recognize a woman’s right to dignity, her right to security, her right to safety, her maternal rights, her right to pursue a career, her political rights, her economic rights, her civic rights, her social rights, her cultural rights... from a holistic perspective—something that is being done for men under historically, cultural norms—so rightfully the same should be done for women.

Until, and unless, a woman has assurance, from society and the courts, that no one, least of all not her husband, has the right to infringe upon those rights she will never have true equality, anywhere in the society.

Women, biologically, by virtue of their reproductive role and maternal instincts, and socio-culturally, by virtue of their financially dependent role as *primary-caregiver* are (by nature and nurture) at a disadvantage, and subordinated within the family, marriage, and community. However, it is important to note, that primary-caregivers (be they women or men) are only “subordinated” by their role and work, because society “subordinates” them. Women (or men) who prefer, for whatever reason, to become *professional homemakers* are only “subordinated,” because society “subordinates” them. Raising children and taking care of one’s family is *one of the noblest and most valuable professions* on the planet, and has been since the beginning of time. Strong families (not to be confused with rich families) are the back-bone of any society.

People, given the opportunity, will become productive and fulfilled *workers* and *citizens*, and will do so with *mucho gusto*. Some will be more productive and successful than others, but their productivity and success will depend largely on them rather than a function of their circumstances. However, in order to do so they must be given equal access of opportunity. This process of “equal opportunity” must be afforded from birth, and even before birth in pre- and post-natal care. Most of the drudges, con-artists, lazy-workers... of any society, have been socialized and educated from birth to be—parasitic. The curiosity and intellect of these people has been so stifled by faulty socialization and educational systems, that from a purely ethical

⁴⁹ <https://www.worldpulse.com/en/community/users/quenby-wilcox/posts/8005>

perspective, **the society who is responsible for producing these *parasitic-personality types*, is also responsible for taking care of them for their entire lives.**

Therefore, if one examines the situation from the perspective of power and control, and the unfair advantage men (and/or the breadwinner) enjoys within the family, under their *social contract* with society, women have the right to demand and mandate, special recognition and protection of their *personal* or *private* rights in regards to the family and marriage.

And, it is exactly because of this biological and historical *inequality* between women and men, that they should not be treated *equal* in evaluation of their rights and responsibilities as primary-caregivers. Women, as a global, homogeneous group are more than fulfilling their *contract* is nurturing, educating and raising future generations. Not only are they doing more than their fair share in terms of personal time and energy, in raising children, and promoting their husband's earning power. But, since *development* ideologies and government policies are promoting societies which are increasingly geared toward women-headed, single-parent households, women are having to assume an increasingly high proportion of the financial responsibility and burden for educating future work-forces. The services homemakers provide to society, as well as the personal and financial enrichment of their husband, is the back-bone of work-force across the globe. And, therefore it is blatant discrimination that governments and family courts are not recognizing the importance of the work these women do – and reclamation of the economic rights within the courts.

Another unintended consequence of the feminist movement in their reclamation of rights (or rather lack of) within family courts, has been a failure of the feminist movement to develop and ideology and political platform for women's rights within the home and marriage. The feminist movement for the past four decades has been so singularly focused on pushing public-policy agendas aimed at attaining "full work-force participation for women" that women's private rights within the marriage and family have been totally forgotten.

Consequences of the Feminist Movement of the 20th Century

Global Women by Arlie Russell Hochschild and Barbara Ehrenreich

One of the principle items on the agenda of FfD is *empowering* women by seeking full-participation rates for them. However, since women are still primary-caregivers, as well as the ones doing the majority of the housework,⁵⁰ the policy of achieving full participation rates for women (with an almost singular focus on "breaking glass-ceilings") has, and is, in-turn creating *new socio-economic issues* for policy-makers, as well as societies in general.

As Arlie Russell Hochschild and Barbara Ehrenreich explain in *Global Women*,

Affluent career women increasingly earn their status not through leisure, as they might have a century ago, but by apparently "doing it all" – producing a full-time career, thriving

⁵⁰ Russell Hochschild, Arlie and Machun, A., *The Second Shift*, New York, Landmark, 2003

children, a contented spouse, and a well-managed home. In order to preserve this illusion, domestic workers and nannies make the house hotel-room perfect, feed and bathe the children, cook and clean up – and then magically fade from sight.

The lifestyles of the First World are made possible by a global transfer of the services associated with a wife's traditional role – child care, homemaking, and sex – from poor countries to rich ones. To generalize and perhaps oversimplify: in an earlier phase imperialism, northern countries extracted natural resources and agricultural products – rubber, metals and sugar for example – from lands they conquered and colonized. Today, while still relying on Third World countries for agricultural and industrial labor, the wealthy countries also seek to extract something harder to measure and quantify, something that can look very much like love. Nannies like Josephine bring the distant families that employ them real maternal affection, no doubt enhanced by the heartbreaking absence of their own children in the poor countries they leave behind. Similarly, women who migrate from country to country to work as maids bring not only their muscle power but an attentiveness to detail and to the human relationship in the household that might otherwise have been invested in their own families. Sex workers offer the simulation of sexual and romantic love, or at least transient sexual companionship. It is as if the wealthy parts of the world are running short on precious emotional and sexual resources and have had to turn to poorer regions for fresh supplies....

Services thought to be innately feminine – child care, housework, and sex – often win little recognition or pay. But they have always been sufficiently in demand to transport over long distances if necessary....

Although the gross statistics give little clue as to the jobs women eventually take, there are reasons to infer that much of their work is “caring work,” performed either in private homes or in institutional settings such as hospitals, hospices, child-care centers, and nursing homes.

The statistics are, in many ways, frustrating. We have information on legal migrants but not on illegal migrants, who, experts tell us, travel in equal if not greater numbers. Furthermore, many Third World countries lack data for past years, which makes it hard to trace trends over time; or they use varying methods of gathering information, which makes it hard to compare one country with another. Nevertheless, the trend is clear enough for some scholars, including Stephen Castles, Mark Miller, and Janet Momsen, to speak of a “feminization of migration.” From 1950 to 1970, for example, men predominated in labor migration to northern Europe from Turkey, Greece, and North Africa. Since then, women have been replacing men. In 1946, women were fewer than 3 percent of the Algerians and Moroccans living in France; by 1990, they were more than 40 percent. Overall, half of the world's 120 million legal and illegal migrants are now believed to be women. ...

Why this transfer of women's traditional services from poor to rich parts of the world? The reasons are, in a crude way, easy to guess. Women in Western countries have increasingly taken on paid work, and hence need other --- paid domestics and caretakers for children and elderly people – to replace them. For their part, women in poor countries have an

obvious incentive to migrate: relative and absolute poverty. The “care deficit” that has emerged in the wealthier countries as women enter the workforce pulls migrants from the Third World and postcommunist nations; poverty pushes them.

In broad outline, this explanation holds true. Throughout western Europe, Taiwan, and Japan, but above all in the United States, England, and Sweden, women’s employment has increased dramatically since the 1970s. In the United States, for example, the proportion of women in paid work rose from 15 percent of mothers of children six and under in 1950 to 65 percent today. Women now make up 46 percent of the U.S. labor force. Three-quarters of mothers of children eighteen and under and nearly two-thirds of mothers of children age one and younger now work for pay. Furthermore, according to a recent International Labor Organization study, working Americans averaged longer hours at work in the late 1990s than they did in the 1970s. By some measures, the numbers of hours spent at work have increased more for women than for men, and especially for women in managerial and professional jobs.

Meanwhile, over the last thirty years, as the rich countries have grown much richer, the poor countries have become – in both absolute and relative terms – poorer. Global inequalities in wages are particularly striking. In Hong Kong, for instance, the wages of Filipina domestic are about fifteen times the amount she could make as a schoolteacher back in the Philippines. In addition, poor countries turning to the IMF or World Bank for loans are often forced to undertake measures of so-called structural adjustment, with disastrous results for the poor and especially for poor women and children...

But it would be a mistake to attribute the globalization of women’s work to a simple synergy of needs among women – one group, in the affluent countries, needing help and the other, in poor countries, needing jobs. For one thing, this formulation fails to account for the market failure of First World governments to meet the needs created by its women’s entry into the workforce....

*...Still, tens of millions of western European women are in the workforces who were not before – and there has been no proportionate expansion in public services. Secondly, any view of the globalization of domestic work as imply an arrangement among women completely omits the role of men. **Numerous studies, including some of our own, have shown that as American women took on paid employment, the men in their families did little to increase their contribution to the work of the home.** For example, only one out of every five men among the working couples whom hochschild interviewed for *The Second Shift* in the 1980s shared the work at home, and later studies suggest that while working mothers are doing somewhat less housework than their counterparts twenty years ago, most men are doing only a little more. With divorce, men frequently abdicate their child-care responsibilities to their ex-wives. In most cultures of the First World outside the United States, powerful traditions even more firmly discourage husbands from doing “women’s work.” So, strictly speaking, the presence of immigrant nannies does not enable affluent women to enter the workforce; **it enables affluent men to continue avoiding the second shift.***

The men in wealthier countries are also, of course, directly responsible for the demand for immigrant sex workers – as well as for the sexual abuse of many migrant women who work as domestics. Why, we wondered, is there a particular demand for “imported” sexual partners? Part of the answer may lie in the fact that new immigrants often take up the least desirable work, and, thanks to the AIDS epidemic, prostitution has become a job that ever fewer women deliberately choose. But perhaps some of this demand, as we see in Denise Brennan’s chapter on sex tourism, grows out to the erotic lure of the “exotic.” Immigrant women may seem desirable sexual partners for the same reason that First World employers believe them to be especially gifted as caregivers: they are thought to embody the traditional feminine qualities of nurturance, docility, and eagerness to please. Some men feel nostalgic for these qualities, which they associate with a bygone way of life. Even as many wage-earning Western women assimilate to the competitive culture of “male” work and ask respect for making it in a man’s world, some men seek in the “exotic Orient” or “hot-blooded tropics” a woman from the imagined past...

If the factors that pull migrant women workers to affluent countries are not as simple as they at first appear, neither are the factors that push them. Certainly relative poverty plays a major role, but, interestingly, migrant women often do not come from the poorest classes of their societies. In fact, they are typically more affluent and better educated than male migrants.... One study of Mexican migrants suggests that the trend is toward increasingly better-educated female migrants. Thirty years ago, most Mexican-born maids in the United States had been poorly educated maids in Mexico. Now a majority have high school degrees and have held clerical, retail, or professional jobs before leaving for the United States. Such women are likely to be enterprising and adventurous enough to resist the social pressures to stay home and accept their lot in life.

Noneconomic factors – or at least factors that are not immediately and directly economic – also influence a woman’s decision to emigrate. By migrating, a woman may escape the expectation that she care for elderly family members, relinquish her paycheck to a husband or father, or defer to an abusive husband. Migration may also be a practical response to a failed marriage and the need to provide for children without male help. In the Philippines, contributor Rhacel Salazar Parrenas tells us, migration is sometimes called a “Philippine divorce.” And there are forces at work that may be making the men of poor countries less desirable as husbands. Male unemployment runs high in the countries less desirable as husbands. Male unemployment runs high in the countries that supply female domestics to the First World. Unable to make a living, these men often grow demoralized and cease contributing to their families in other ways. Many female migrants, including those in Michel Gamburd’s chapter in this volume, tell of unemployed husbands who drink or gamble their remittance away. Notes one study of Sri Lankan women working as maids in the Persian Gulf: “It is not unusual... for the women to find upon their return that their Gulf wages by and large have been squandered on alcohol, gambling and other dubious undertakings while they were away.”

To an extent then, the globalization of child care and housework brings the ambitious and independent women of the world together: the career-oriented upper-middle-class woman of

an affluent nation and the striving woman from a crumbling Third World or postcommunist economy. Only it does not bring them together in the way that second-wave feminists in affluent countries once liked to imagine – as sisters and allies struggling to achieve common goals. Instead, they come together as mistress and maid, employer and employee, across a great divide of privilege and opportunity.

This trend toward global redivision of women's traditional work throws new light on the entire process of globalization. Conventionally, it is the poorer countries that are thought to dependent on the richer ones – a dependency symbolized by the huge debt they owe to global financial institutions. What we explore in this book, however, is a dependency that works in the other direction, and it is a dependency of a particularly intimate kind. Increasingly often, as affluent and middle-class families in the First World come to depend on migrants from poorer regions to provide child care, homemaking, and sexual services, a global relationship arises that in some ways mirrors the traditional relationship between the sexes. The First World takes on a role like that of the old-fashioned male in the family – pampered entitled, unable to cook, clean, or find his socks. Poor countries take on a role like that of the traditional woman within the family – patient, nurturing and self-denying. A division of labor feminists critiqued when it was “local” has now, metaphorically speaking, gone global.

To press this metaphor a bit further, the resulting relationship is by no means a “marriage,” in the sense of being openly acknowledged. In fact, it is striking how invisible the globalization of women's work remains, how little it is noted or discussed in the First World. Trend spotters have had almost nothing to say about the fact that increasing numbers of affluent First World homes cleaned by immigrant maids. Even the political groups we might expect to be concerned about this trend – anti-globalization and feminist activists – often seem to have noticed only the most extravagant abuses, such as trafficking and female enslavement. So if a metaphorically gendered relationship has developed between rich and poor countries, it is less like a marriage and more like a secret affair.

But it is a “secret affair” conducted in plain view of the children. Little Isadora and the other children of the First World raised by “two mommies” may be leaning more than their ABC's from a loving surrogate parent. In their own living rooms, they are learning a vast and tragic global politics. Children see. But they also learn how to disregard what they see. They learn how adults make the visible invisible. That is their “early childhood education.”

In this volume, we hope to make the invisible visible again. The essays we bring together range from personal recollection to economic analysis, and they span the globe from Taiwan to Mexico, from Thailand to the Dominican Republic. Some essays describe a global transfer of emotional resources (Hochschild, Parrenas), while other consider the pressures global capitalism puts on women and their families (Sassen). Some point to the dilemmas migrant domestic workers raise for First World feminism (Ehrenreich, Anderson) and inquire into the similarities and differences between the situations of employed and employer (Cheever, Hondagneu-Sotelo, Constable, Rivas, Zarembka). Several essays focus on how immigrant nannies and maids have assumed the tasks associated with traditional

family relationships, like the obligations of daughter-in-law in Hong Kong (Lan). Still others investigate the ways that women's migration has modified relationships between men and women – both in marriage and through the global sex trade (Brennan, Gamburd, Bales, Thais).

The globalization of women's traditional role poses important challenges to anyone concerned about gender and economic inequity.

By focusing almost exclusively on policies geared toward achieving *full participation* as well as *breaking glass-ceilings*, policy-makers are failing to fully consider the needs and realities of the middle to lower classes. All too often the scholarly literature is dominated by a polarized, tunnel-vision perspective, focusing on *poor* countries with an almost total absence of information or dialogue on Western countries. (This same *polarized* rhetoric exists at national levels—perpetuating the belief that this a *poor* person/country problem.) Of equal importance to consider is that problems of the lower classes are aggravated by a multitude of factors. The two primary issues are low wages, housing, and affordable childcare/education – with problems multiplying in variety and severity for minorities, elderly, handicapped, as well as multiplying exponentially the lower down one moves on the socio-economic scale.

In considering childcare (pre-school and after-school services), it is important to examine the quantity and quality of childcare options – services which are perpetually under-served in the public sector. One of the main issues here is the failure of societies to prioritize the needs of children (and a 'future generation' vision). And, when policy-makers and academicians consider childcare costs that women must disproportionately assume in society, they need to consider that trends toward excessive education costs from early childcare all the way through to higher-education – which is increasingly expensive.

ⁱ <http://www.theguardian.com/world/2011/oct/08/amanda-knox-facial-expressions>

Amanda Knox: What's in a face?

Amanda Knox was convicted of murder and her reputation sullied around the world, in large part because of her facial expressions and demeanour. Her story reveals how our instincts about others can be dangerously superficial...

In the days and weeks following the discovery of Meredith Kercher's body, Italian police found no physical evidence linking Amanda Knox to the murder. But then, they didn't need it: they could tell Knox was guilty just by looking at her. "We were able to establish guilt," said Edgardo Giobbi, the lead investigator, "by closely observing the suspect's psychological and behavioural reaction during the interrogation. We don't need to rely on other kinds of investigation." Giobbi said that his suspicions were first raised just hours after the murder, at the crime scene, when he watched Knox execute a provocative swivel of her hips as she put on a pair of shoe covers.

Little about Knox's behaviour during that time matched how the investigators imagined a wrongfully accused woman should conduct herself. She appeared too cool and calm, they said – and yet also, it seems, oddly libidinous. One policeman said she "smelled of sex", and investigators were particularly disturbed by a video that first

appeared on YouTube, shortly after the investigation began, which showed Knox and Raffaele Sollecito in each other's arms outside the cottage in which Kercher was murdered, as the investigation proceeded inside.

In fact, the video is anything but sexy. Knox, looking wan and dazed, exchanges chaste kisses with Sollecito, who rubs her arm consolingly. But the police professed shock. "Knox and Sollecito would make faces, kiss each other, while there was the body of a friend in those conditions," tutted Monica Napoleoni, head of Perugia's murder squad. A detective said he complained to Knox when she sat on Sollecito's lap, describing her behaviour as "inappropriate". Knox later explained to Rolling Stone magazine, via an intermediary, that she had been pacing up and down when Sollecito pulled her on to his knees to comfort her. The only strange thing about this is that an explanation for simple physical affection became necessary.

The Italian police's overheated interpretation of Knox's behaviour was a particularly pungent manifestation of a universal trait, one that frequently leads criminal investigators and juries astray: overconfidence in our ability to read someone else's state of mind simply by looking at them. This is not a uniquely modern error, born of pop psychology books. Shakespeare was wary of it. In Macbeth, he has Duncan remark how hard it is "to find the mind's construction in the face". It's a warning that law enforcement officers often seem unable, or unwilling, to heed.

In 2008 a group of Norwegian researchers ran an experiment to better understand how police investigators come to a judgment about the credibility of rape claims. Sixty-nine investigators were played video-recorded versions of a rape victim's statement, with the role of victim played by an actress. The wording of the statement in each version was exactly the same, but the actress delivered it with varying degrees of emotion. The investigators, who prided themselves on their objectivity, turned out to be heavily influenced in their judgments by assumptions about the victim's demeanour: she was judged most credible when crying or showing despair.

In reality, rape victims react in the immediate aftermath of the event in a variety of ways: some are visibly upset; others are subdued and undemonstrative. There is, unsurprisingly, no universal reaction to being raped. The detectives were relying on their instincts, and their instincts turned out to be constructed from inherited and unreliable notions about women in distress.

Professional interrogators remain stubbornly convinced of their ability to tell if a person is being truthful simply by observing them. The lawyer and fraud expert Robert Hunter has termed this misapprehension "the demeanour assumption". He points out that it underpins the notions of oral evidence and jury trials; those who watch witnesses give evidence are assumed to be best placed to judge whether they are telling the truth.

It's not just police or legal professionals who make this error. We all have an inherent bias towards assuming that we can discern a person's inner mental state simply by observing them. Whether it's coining new theories on what the Mona Lisa was thinking, or wondering about the stranger opposite us on the tube, we possess an endless capacity to speculate on a person's character, thoughts, and motivations based on the slender evidence of a facial expression. The eyes, it is said, are windows to the soul. They are not. They are organs for converting light into electro-magnetic impulses. But this has never stopped us dreaming of them that way.

Amanda Knox wasn't able to communicate her thoughts and feelings directly, either to the police or to the wider public. Her Italian, at the time of the murder, was poor, and her arraignment meant that she couldn't speak to the media. But there were plenty of pictures to go on. There was, therefore, an even greater emphasis on her expressions and physical behaviour than there would normally be in such a situation, right from the beginning.

This focus on the superficial shaped not just Knox's fortunes in the original trial, but her reputation around the world. Italian prosecutors were quick to leak stories about Knox doing cartwheels while in custody, because they knew the image, even if only imagined, would lead people to conclude that she was guilty. When the press published pictures of Knox with a smile on her face, readers around the world reacted the same way: no innocent person accused of a crime would behave like this. An Italian friend of Kercher's, Giacomo Silenzi, was widely quoted: "Her eyes didn't seem to show any sadness, and I remember wondering if she could have been involved." The tape of

Knox embracing Sollecito was played over and over, often with a commentary suggesting there was something odd or distasteful about it.

It is astonishing how quick we are to draw conclusions about how a person ought to look or behave in circumstances we haven't ourselves even come close to experiencing. How many of us have returned to our home after a night away to discover that our flatmate has been brutally murdered? How many of us can know what it feels like to be at the sharp end of a punishing interrogation, in a foreign country, carried out by men in uniform who seem absolutely convinced that they know what happened, who are as certain as we are confused, fearful and exhausted? None of us. And yet we feel free to blithely pronounce, from a great distance, on whether someone in this situation is "acting weird" or not.

What does it stem from, this over-confidence in facile intuitions about what other people are thinking? It probably has something to do with our innate difficulty in recognising that other people are as fully rounded and complex as we are. Emily Pronin, a psychologist at Princeton University, points out that there is a fundamental asymmetry about the way two human beings relate to one another in person. When you meet someone, there are at least two things more prominent in your mind than in theirs – your thoughts, and their face. As a result we tend to judge others on what we see, and ourselves by what we feel. Pronin calls this "the illusion of asymmetric insight".

You know when you're hiding your true thoughts and feelings – pretending to be fascinated by your boss's endless anecdote, or grinning your way through an agonising first date – but you nonetheless tend to assume the other's appearance tells the full story of how they feel: if she's smiling, it's because she's genuinely enjoying herself.

Studies have found that people over-estimate how much they can learn from others in job interviews, while at the same time maintaining that others can only get a glimpse of them from such brief encounters. The model we seem to work with is something like this: I am infinitely subtle, complex and never quite what I seem; you are predictable and straightforward, an open book.

Of course, the asymmetry is likely to be particularly lopsided when we don't know the person; when we have only seen pictures of them on TV, in newspapers and magazines. We know for sure that they don't know us, and yet we're almost equally certain that we've got their number. We only had to look at Knox's various expressions – in her Facebook and MySpace photos, and in pictures of her on the way to court – to make snap judgments about what kind of person she was, or what was running through her mind when the picture was taken. Even this week, photographs of her smiling as she boards a plane home have been interpreted as a sign of callousness.

An inclination to oversimplify the minds and motivations of others lies at the root of sexism and racism, and all forms of inter-group conflict, violent and benign. Liberals and conservatives tend to think that those on "their" side are reasonable, reflective, and thoughtful, while those on the other side are not just wrong, but simplistic and dim. Part of the reason that Knox became unpopular in Europe, and especially Italy, is that people projected on to her what they regarded as the worst qualities of Americans: arrogance, greed and brashness

Our unwillingness to devote much effort to understanding how others might actually think or feel is exemplified by the popular assumption that Knox's initial admission to police that she had been present at the scene of the murder, and her false implication of the bartender, Diya "Patrick" Lumumba, revealed a guilty conscience. "She lied!" declared her critics, slamming the collective gavel in condemnation. But of course we know, empirically, that under the extreme duress of an intense interrogation, a terrified person will say almost anything the police want them to say. Quite apart from falsely implicating others, people will falsely implicate themselves.

The Innocence Project is an American organisation devoted to exonerating those wrongfully convicted of serious crimes, frequently murder, by using DNA evidence. Of the 250 people they have successfully exonerated, a quarter had confessed under interrogation (Knox has indicated an interest in working for the Innocence Project, now she is free). Because we find it hard to imagine that we might do the same, we assume that others wouldn't do it either: a confession is still regarded by lawyers as the nuclear weapon of evidence, the one thing that, even in the absence of physical evidence, can guarantee conviction.

Most of us know, when we reflect rationally, that other people are as complex and difficult to read or predict as we are, and we do compensate for the natural imbalance in our encounters with others. The trouble is, we rarely compensate enough. Thinking about what others might be thinking and feeling is hard work. It requires intellectual application, empathy, and imagination. Most of the time we can barely be bothered to exert such efforts on behalf of our friends and partners, let alone on people we read about in the news. We fall back on guesses, stereotypes, and prejudices. This is inevitable, and not always a bad thing. The trouble comes when we confuse our short-cuts with judgment.

Amanda Knox's face proved to be her misfortune. It was pretty enough to incite the fantasies of Italian cops and tabloid editors, and just expressive enough to provide a richly textured canvas for a public all too willing to pronounce on the soul it concealed.

ii *In contrast, the relationship between think tanks and the corporate right is more complex and more straight forward at the same time. Initially, think tanks started out as policy analysts and advisers as well as human resources providers to technocratic corporate and defence conservatism. The poster organizations for this phase are the American Enterprise Institute and partially the RAND Corporation. But this was only the beginning. Today, corporations, corporate foundations as well as pro-business family foundations are the main sponsors of one important segment of conservative policy institutes, the libertarian pro-free market think tanks. What sets the corporate world of the United States apart from that of continental Europe and to some extent from that of Canada is that significant segments of the American business elite embarked on a love affair with free-market theories and the libertarian movement in the 1970s and 1980s... laissez-fair economists philosophers and policy experts became agenda-setters, political advisers and even political operators and policy entrepreneurs in the United States during and after the Reagan era. Something similar – albeit on a much smaller scale – happened in Britain during the Thatcher era, but hardly in Canada or continental Europe....*

While weak in their relationship with activists and some conservative operatives, conservative think tanks and libertarian think tanks in particular are key to the mission of brain-trust conservatives, those who need ideas for conservative governance. While most conservatives abhor political planning and social engineering, they need intellectual ammunition and a certain degree of intellectual respectability in the war of ideas. In North America, most university departments and most academics in the social sciences, in humanities and in law do not serve this purpose for conservatism, neither do the current affairs media – with the exception of the business press or the Fox News Channel and other news operations owned by Rupert Murdoch – nor most public intellectuals. Brain-trust conservatives created counter institutions: semi-scholarly or current affairs magazines like the Weekly Standard, policy research organizations and institutes, grant-giving and operative foundations, promotion of experts and their own brand of public intellectuals. Conservative think tanks are part of an establishment of a counter-infrastructure for conservative and libertarian ideas. A similar conservative brain-trust infrastructure, but at a much smaller scale and restricted to some provinces – mostly in western Canada – as well as the National Post on the federal level, has been slowly emerging in Canada over the past decade.

*In terms of brain-trust conservatism, libertarianism is a power house in the United States and at least in some parts in Western and Atlantic Canada largely due to the Cato Institute in Washington D.C. and network of smaller regional as well as international think tanks like the Fraser Institute in Vancouver B.C. and smaller units like AIMS in Halifax, NS. **The strength of libertarianism among brain-trust conservatives rests upon two pillars: a close research connection to academic economics and to some other social science disciplines ensures the adherence to scholarly standards and provides academic recognition, as well as a talent pool of young experts. International networking and a coherent worldwide mission create synergy effects for libertarian think tanks.** Michael Lind describes the role of libertarian think tanks in the Republican Party of the U.S. as follows:*

“The strategy of the Republican party is based on a division of labour, with the grass-roots right serving as an electoral coalition, and the libertarian right as a governing elite. To be elected, Republican conservatives need the mailing-lists and the phone-banks of the grassroots right; once elected, they have to rely on the Washington-based libertarian policy experts to draft legislation that will please the corporations and rich individuals who subsidize their campaigns.” (Lind 1996:80)

iiiiii <http://beforeitsnews.com/politics/2013/05/au-professor-fired-without-due-diligence-vindicated-by-new-evidence-2515070.html>

AU Professor Fired Without Due Diligence, Vindicated by New Evidence
Thursday, May 2, 2013 14:10

Dean Goldgeier, of American University's (AU) School of International Service, relieved International Development Professor Dr. Lori Handrahan of her teaching duties one week before the start of spring 2013 classes²²⁰ citing, “despite repeated requests to minimize the impact of your personal affairs on campus, you continue to send communications.” The communications that Handrahan sent were to campus safety in which she reported death

threats sent to her AU email address. The out-of-the-blue dismissal came after Handrahan had a meeting with Dean Goldgeier in late fall 2012 where he assured her that AU was behind her.

The American Association of University Professors (AAUP) wrote a letter to AU President Kerwin on 31 January 2013 stating, "We accordingly urge that the American University administration rescind the dismissal and reinstate Dr. Handrahan to the faculty." AU's response was that they did not technically "fire" her and President Kerwin referred back to Dean Goldgeier's deficient explanation. AU's newspaper, The Eagle, was poised to do a story on this but it was shut down by the powers that be.

So what happened? Handrahan's research on ending impunity for child porn was gaining popularity on CTV, Forbes, and Yahoo. Little did she know, AU has a child porn scandal it would like to prevent from resurfacing, especially after Penn State's scandal. AU's President from 1980-1990, Dr. Richard Berendzen, never received a fine or a day in jail for his large child porn collection that he used in his President's office that overlooked the on-campus day-care playground while he called day-cares around the region and talked about having sex with children. Police recorded some of the calls until the phone number was traced. Berendzen spent only three weeks in rehabilitation yet used a well-played "victim" card to sell his book about how he had to overcome the hardship of being sexually abused as a child himself. By the logic of his excuse, drunk drivers could avoid prosecution by claiming that their parents were alcoholics. Berendzen's own child abuse has nothing to do with accountability, then and now, for the crimes he committed against children while at AU. Yet, he reclaimed a spot on AU faculty where he remains on record today. Hard to believe? Check the sources.

Even if Berendzen and child porn research had nothing to do with Handrahan's firing, does AU's idea of fixing a problem of death threats sent to a professor mean getting rid of the professor? Death threats were sent to Handrahan in a fierce custody battle for her now 6-year-old daughter Mila. Handrahan filed for divorce from Igor Malenko in May 2008 after two years of marriage based on abuse, citing specifically: (1) Malenko threw food at her, (2) threw a jar that hit her in the head, and (3) threatened to kill her. Malenko pled guilty to domestic violence and said, "I brushed an empty jar off a table in anger on one occasion."

In the heat of this traumatic time, Handrahan noticed signs that Mila was sexually abused. A Yale pediatric doctor testified that he found a methamphetamine level in Mila's urine that "warrants an in-depth investigation." When interviewed by the Department of Health and Human Services (DHHS), "Mila stated in response to an open-ended question that her father poked her vagina with his penis at his house." DHHS noted that there is always potential for influence when a child, especially a younger child (Mila was 2 yrs 6 months) is in the midst of a high level of parental conflict. However, DHHS also noted, "the specificity of Mila's statements is quite compelling and difficult to dismiss merely as the result of suggestion." DHHS strongly recommended that any contact with Malenko be supervised. Yet, Mila has been alone with him for two years now.

Maine's courts, a judicial system that Saturday Night Live likes to mock for incompetence, sided with Malenko. MSN ranks Maine the third worst state in the country for sex trafficking. Moreover, Maine has not enforced its own joint custody ruling. Malenko has engaged in parental alienation with the full support of his attorney, Michael J. Waxman, in violation of court-ordered visitation rights. Handrahan has not seen her daughter in two years.

Maine Family-Lawyer Stands on Side of Abuse

Why is the custody battle so fierce? Malenko's attorney, Waxman, has consistently displayed a very suspicious level of emotional investment. In one of Waxman's many unprofessional emails (whose IP addresses were verified by Anonymous) to Handrahan, Waxman vowed to use his "substantial family fortune" to take her daughter from her: "I shall not stop doing everything in my power to protect Mila and Igor [Malenko]." He has done just that. When Maine Judge Jeff Moskowitz stated from his bench that a court order allowed Handrahan to visit Mila, Waxman stood up²¹ pointed at the Judge, and with a raised voice told the judge that his client would not obey the order. Waxman went on to inquire if doing so would be committing civil contempt or criminal contempt. The judge refused to give legal advice, did not hold either Waxman or Malenko in contempt, and did not attempt to enforce the court order.

Could Waxman's ulterior motive be money? Waxman is rich and has worked on this case for four years, pro bono. Power? Waxman is powerful. He is part of a family with vast corporate real estate holdings. Righteousness? You be the judge. Sex? Waxman's behavior fits the psychological profile of a pedophile. Narcissistic pedophiles claim to be infallible and often lie to justify their actions. Waxman wrote in an email, "And the more I think of it, the less I am convinced that this Court has any power over ME in any fashion."

From Waxman to Handrahan: "Focus on getting yourself mentally healthy so that you can be a mommy to your little 6 year old girl who is probably starting to forget you. How terribly sad. Isn't being a mommy more important to you than getting all this silly attention? We both know that this is not going to end well for you. All you are doing is harming your child and allowing another day to go by in which you do not say 'good night' or 'I love you' to your child. Again, that is truly sad." To a pedophile, 'love' means clinging and includes strong separation anxiety. Noyes, a Maine court-watcher (civilian who sits in on court proceedings) stated, "Waxman says he has considerable contact with Mila, has developed a deep attachment for her, an affection so deep in fact that it is he who states that he refuses the court order to permit this child to even see her mother, and wishes to erase any memory of her mother from this child's mind." Pedophiles' sense of self rests on blaming others. Waxman wrote to Handrahan's lawyer, "[Handrahan] is a despicable human being! She does not care at all about her child. That is who your potential client is."

Waxman stalks and/or hired stalkers to attack and threaten Handrahan on the Internet. They have run a successful smear campaign. Alias "Sarah Tyrrell" reports suspiciously timely and accurate court information. Among the completely undeserved harassment, Tyrrell wrote to Handrahan: "You sick, twisted, demented woman." In November 2012, Tyrrell wrote to AU President Kerwin advocating for Handrahan's firing. This spring, Tyrrell posted online, "we were instrumental in getting [Handrahan] sued, getting a lien on her house, and getting her fired."

Thereby two worlds collided— a personal custody battle and a job at AU. Using intimidation tactics, Waxman fought to raise Handrahan's child support to a level where she could barely pay rent. Waxman threatened Handrahan with arrest for posting reports of Mila's abuse online, an activity "trying to rally supporters to harm Igor [Malenko] or Mila." Waxman hired a man to wait outside Handrahan's classroom each class in anticipation of an arrest warrant that never came. AU police acquiesced his presence. Handrahan printed out and carried Rev. Dr. Martin Luther King's Birmingham Jail Letter for personal strength and in determination to turn an arrest into a dignified teaching experience for her students. The letter states, "Injustice anywhere is a threat to justice everywhere." Yet, as instructed by AU administration, Handrahan never brought up her personal life with her students.

In early 2011, Waxman was brought before the Overseers of the Bar on 13 counts of violating the Bar (including threatening the prosecution, conflict of interest, and misconduct). Seven of Maine's top attorneys testified vigorously against Waxman but the judge ruled that the prosecution did not present enough evidence. Two years after Waxman's Bar review, further testimony against him by the court-watcher: "I am at a loss to understand how Mr Waxman is permitted to continue to 'practice' law in this state... There seems to be no avenue for appeal to a higher authority in family court, [attempts to file an Emergency Title 22 Petition with Maine's Supreme Court were denied]... To me, the entire judicial process has abused this child and her mother from the very beginning."

The Smoking Gun

Even if Malenko and Waxman have spared Mila sexually, for the past two years Mila has been with a serial abuser. Shocking new court documents reveal that Malenko's second wife, who he married in August 2011, Liljana Cvetkoska, tried to leave him multiple times over their first year of marriage and filed for divorce in March 2013 based on (1) verbal abuse from Igor on a consistent basis, (2) numerous threats to throw her and their baby out of the house, which actually happened in August 2012, and (3) Malenko made Cvetkoska spend all of her savings, including hospital bills for delivering their baby.

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Leslie Steiner, survivor of domestic violence, gave a TED talk: "It is dangerous to leave an abuser. When partners leave abusers, the abuser has nothing else to lose and it too often results in murder. Other outcomes include long-term stalking, denial of financial resources, and manipulation of the family court system to terrify the victim and her

children, who are regularly forced by family court judges to spend unsupervised time with the man who beat her mother.” Handrahan and Cvetkoska have a textbook case. Handrahan, like Steiner, is breaking the silence of her abuse by reporting everything to everyone, while Waxman threatens media outlets that publish her with lawsuits. Every domestic violence victim should have the courage to speak out in a receptive society. Handrahan reported cyber-stalking to AU. Let it be known where AU stood, with this and with Berendzen.

Abuse, like drugs and pedophilia, is an addictive disease. Malenko has a history of abuse and violence, which has now manifested in U.S. courts by two independent accounts. How is Waxman responding? He is trying to get Cvetkoska deported and keep her American-born child with Malenko. Whether or not the intent is human trafficking, justice is at large. Mila is in danger.

iv See attachment - endnotes.

The screenshot shows a Gmail interface. At the top is the Google search bar and the user's email address, quenby@global-xpats.com. Below the search bar is the Gmail navigation bar with icons for Mail, Compose, and various folders. The left sidebar shows the 'Inbox (22)' and other folders like 'Starred', 'Important', 'Sent Mail', 'Drafts (26)', 'Advertisers', 'Capital Venture com...', 'Divorce (3)', 'Google AdSense, DF...', and 'I linkedin (1)'. The main content area shows an email from 'senator@mikulski.senate.gov' dated 'Feb 26 (2 days ago)'. The email subject is 'Re: www_email'. The body of the email starts with 'Dear Ms. Wilcox:' and contains several paragraphs of text. The email ends with 'Sincerely, Barbara A. Mikulski, United States Senator'. On the right side of the email, there are links to 'senator@mikulski.senate.gov', 'Show details', and a list of 'Promotions (9)' including 'Vistaprint', 'FreeScoreOnline', 'Lumosity.com', 'Malpractice Lawyer', and 'Find Angel Investors'.

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senator@mikulski.senate.gov

Feb 26 (2 days ago)

Images are not displayed. Display images below - Always display images from senator@mikulski.senate.gov

Dear Ms. Wilcox:

Thank you for contacting me about a legal problem you are experiencing.

Although I sympathize with your problem, as a United States Senator, I am not permitted to intervene in any matters which are before a court of law and I cannot offer any legal counsel.

I advise you to work with a qualified attorney in an attempt to resolve this matter. You may also want to contact the Maryland Attorney General's office to see if there are any other means to resolve these issues.

I wish you the best of luck in your effort to resolve this matter.

Sincerely,
Barbara A. Mikulski
United States Senator

senator

senator@mikulski.senate.gov

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